



Legislation Text

File #: RES PH 20-281, **Version:** 1

Resolution (i) reciting a proposal for a Housing Finance Program for a multifamily rental housing development and recommending approval by the Saint Paul City Council, pursuant to Minnesota Statutes, Chapters 462C and 469, of the project, the program and issuance of conduit multifamily housing revenue obligations by The Ramsey County Housing & Redevelopment Authority and (ii) approving and authorizing a Loan of HOME Funds and the execution of related documents, 750 Milton Ave North (Wilder Square Project) District 7, Ward 1

(a) Minnesota Statutes, Chapter 462C (the "Act") confers upon cities and certain housing and redevelopment authorities the power to issue revenue bonds to finance a program for the purposes of planning, administering, making or purchasing loans with respect to one or more multifamily housing developments within the boundaries of the city;

(b) The Ramsey County Housing & Redevelopment Authority (the "RCHRA") has the authority to exercise the powers conferred by Minnesota Statutes, Section 462C.01 to 462C.081; and

(c) The RCHRA has received a proposal from CB Wilder Square GP Limited Partnership, a Minnesota limited partnership (or another entity affiliated with CommonBond Communities, a Minnesota nonprofit corporation, the "Borrower"), that the RCHRA undertake a housing finance program (the "Housing Program") to finance the Project hereinafter described, pursuant to Minnesota Statutes, Chapter 462C, through the issuance of taxable and tax exempt housing revenue bonds or notes in one or more series in an estimated principal amount not to exceed \$17,000,000 (the "Bonds"); and

(d) The Project to be financed by the Bonds is the acquisition, rehabilitation and equipping of an approximately 136-unit multifamily rental housing development consisting of an existing 11-story building with surface parking and other functionally related facilities, located at 750 Milton Ave North in the City of Saint Paul, Minnesota (the "City") (the "Project"); and

(e) The Project will be owned and operated by the Borrower, or an affiliated entity; and

(f) The proposal calls for the RCHRA to loan the proceeds realized upon the issuance and delivery of the Bonds to the Borrower pursuant to a loan agreement wherein the Borrower will be obligated to pay all costs and expenses of the RCHRA and the City incident to the issuance of the Bonds; and

(g) The City desires to facilitate the construction and development of multifamily housing facilities within the City; and the Project will assist the City in achieving these objectives; and

(h) In accordance with Minnesota Statutes, Sections 469.004 and 469.005, a public hearing on the Housing Program and the Project was held on this date by the Housing and Redevelopment Authority of the City of Saint Paul, Minnesota (the "SPHRA") following duly published notice, at which time all persons that desired to speak were heard and the SPHRA has recommended approval of the Project and the issuance of the Bonds by the RCHRA; and

(i) WHEREAS, the Borrower is requesting a loan of up to \$1,270,000 of HOME funds from the HRA to finance the Project on terms set forth in the staff report accompanying this Resolution ("HOME Loan"), and the HOME Loan will be made pursuant to the terms and conditions of a Home Investment Partnerships Program Written Agreement, a HOME loan agreement, promissory note, real estate mortgage, declaration of

covenants, conditions and restrictions, and related documentation (collectively, the “HOME Loan Documents”); and

(j) No public official of the City or the SPHRA has either a direct or indirect financial interest in the Project nor will any public official either directly or indirectly benefit financially from the Project.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Housing and Redevelopment Authority of the City of Saint Paul, Minnesota (the “Board”) as follows:

1. On the basis of information available to the Board it appears, and the Board hereby finds, that the Project constitutes a multifamily housing development within the meaning of subdivision 5 of Section 462C.02 of the Act; that the availability of the financing under the Act and the willingness of the RCHRA to furnish such financing will be a substantial inducement to the Borrower to undertake the Project, and that the effect of the Project, if undertaken, will be to provide multifamily rental housing opportunities to residents of the City, and to promote more intensive development and use of land within the City.

2. The Board recommends that the City Council of the City approve the multifamily rental housing Project, described above, to be undertaken by the Borrower pursuant to the Borrower’s specifications, and approves the Housing Program therefor, pursuant to the Act and Minnesota Statutes, Sections 469.004 and 469.005.

3. The Board further recommends that the City Council of the City authorize the RCHRA to issue the Bonds to finance the Project and to implement the Housing Program and to take all actions necessary or desirable in connection therewith, subject to final approval by the RCHRA, the Borrower and the purchaser of the Bonds as to ultimate details of the financing of the Project, all subject to the availability of an allocation of tax exempt bonding authority for the Bonds.

4. The Board hereby approves the HOME Loan for the Project contingent on: (a) the Borrower securing from other sources the necessary funds to complete the Project, (b) compliance with the HRA’s compliance requirements by the Borrower as set forth in the staff report, and (c) an administrative order authorizing the release of the HOME funds. The HRA Executive Director, staff and legal counsel for the HRA are further directed and authorized to take all actions necessary to implement the HOME Loan.

5. The Board hereby approves the HOME Loan Documents in substantially the form on file with the Executive Director, together with any related documents necessary in connection therewith, including, without limitation, all documents, exhibits, certifications or consents referenced in or attached to the HOME Loan Documents including without limitation the any subordinations, assignments or consents necessary in connection with the Borrower’s financing, (collectively, the “Development Documents”).

6. The Chair or Commissioner and Executive Director of the HRA and the Director, Office of Financial Services of the City (the “Authorized Officers”) are hereby authorized in their discretion and at such time, if any, as they may deem appropriate, to execute, on behalf of the HRA, the Development Documents and to carry out, on behalf of the HRA, directly or through one or more appointed designees, the HRA’s obligations thereunder when all conditions precedent thereto have been satisfied. The approval hereby given to the Development Documents includes approval of such additional details therein as may be necessary and appropriate and such modifications thereof, deletions therefrom and additions thereto as may be necessary and appropriate and approved by the Saint Paul City Attorney to the HRA, the appropriate HRA staff person(s) or by the Authorized Officers authorized herein to execute or accept, as the case may be, said documents prior to their execution; and said Authorized Officers or staff members are hereby authorized to approve said changes on behalf of the HRA. The execution of any instrument by the Authorized Officers shall be conclusive evidence of the approval of such document in accordance with the terms hereof. This Resolution shall not constitute an offer and the Development Documents shall not be effective until the date of execution thereof as

provided herein. In the event of absence or disability of any of the Authorized Officers, any of the Development Documents authorized by this Resolution to be executed may be executed without further act or authorization of the Board by any member of the Board or any duly designated acting official, or by such other officer or officers of the Board as, in the opinion of the Saint Paul City Attorney to the HRA, may act in their behalf. The electronic signature of a party to the Development Documents, including all acknowledgements, authorizations, directions, waivers and consents thereto (or any amendment or supplement thereto) shall be as valid as an original signature of such party and shall be effective to bind such party to the Development Documents. Any electronically signed Development Documents shall be deemed (i) to be "written" or "in writing," (ii) to have been signed, and (iii) to constitute a record established and maintained in the ordinary course of business and an original written record when printed from electronic files. For purposes hereof, "electronic signature" means (a) a manually signed original signature that is then transmitted by electronic means or (b) a signature obtained through DocuSign or Adobe or a similarly digitally auditable signature gathering process; "transmitted by electronic means" means sent in the form of a facsimile or sent via the Internet as a pdf (portable document format) or other replicating image attached to an e-mail message; and, "electronically signed document" means a document transmitted by electronic means and containing, or to which there is affixed, an electronic signature.

7. The authority to approve, execute and deliver future amendments to the Development Documents entered into by the HRA and consents required under the Development Documents is hereby delegated to the Authorized Officers of the HRA, subject to the following conditions: (a) such amendments or consents do not materially adversely affect the interests of the HRA; (b) such amendments or consents do not contravene or violate any policy of the HRA, and (c) such amendments or consents are acceptable in form and substance to the Saint Paul City Attorney to the HRA or the counsel retained by the HRA to review such amendments. The authorization hereby given shall be further construed as authorization for the execution and delivery of such certificates and related items as may be required to demonstrate compliance with the agreements being amended and the terms of this Resolution. The execution of any instrument by the Authorized Officers of the HRA shall be conclusive evidence of the approval of such instruments in accordance with the terms hereof. In the event of absence or disability of the Authorized Officers, any of the documents authorized by this Resolution to be executed may be executed without further act or authorization of the Board by any member of the Board or any duly designated acting official, or by such other officer or officers of the Board as, in the opinion of the Saint Paul City Attorney to the HRA, may act in their behalf.

8. The SPHRA's Executive Director, staff and legal counsel are hereby authorized and directed to take all actions necessary to implement this Resolution.