



Legislation Text

File #: RES 13-1982, **Version:** 2

Resolution Consenting to the Issuance of a Tax-Exempt Revenue Note by the Port Authority of the City of Saint Paul for the Achieve Language Academy Project.

WHEREAS, the Port Authority of the City of Saint Paul ("Port Authority") has received a request that it issue a tax-exempt revenue note in an aggregate principal amount not to exceed \$6,000,000 (the "Note") and loan the proceeds of such Note to Achieve Language Academy Building Company, a Minnesota 501(c)(3) corporation (the "Building Company") to refund the Housing and Redevelopment Authority of the City of Saint Paul, Minnesota (the "HRA") Lease Revenue Refunding Bonds (Achieve Language Academy Project) Series 2003A (the "Prior Bonds") still outstanding, refinance an existing Western Bank debt, to finance renovations to the Building Company's facility located at 2169 Stillwater Avenue in the City of Saint Paul, Minnesota (the "Project") and to pay costs of issuance of the Note. The Project will be owned by the Building Company and leased to and operated by Achieve Language Academy as a K-8 charter school; and

WHEREAS, Minnesota Statutes, Section 469.155, Subd. 12, authorizes the issuance of refunding bonds by an entity other than the original issuer, with the consent of the original issuer. The Port Authority has requested that the HRA consent to the issuance by the Port Authority of the Note that will be used to refund the Prior Bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE HOUSING AND REDEVELOPMENT AUTHORITY OF THE CITY OF SAINT PAUL, MINNESOTA, AS FOLLOWS:

1. The HRA hereby consents to the issuance of the Note by the Port Authority for the purpose of refunding the Prior Bonds. The adoption of this resolution shall not be deemed, however, to establish a legal obligation on the part of the HRA or the Port Authority to issue or to cause the issuance of the Note. The Note, if issued by the Port Authority, will not constitute a charge, lien, or encumbrance, legal or equitable, upon any property of the HRA or the Port Authority. The Note will be payable solely from said revenues and property of the Building Authority specifically pledged to the payment thereof, and will not constitute a debt or pecuniary liability of the HRA or the Port Authority within the meaning of any constitutional or statutory limitation.
2. The appropriate officers of the HRA are hereby authorized and directed to execute documents and certificates which are reasonably required by the Port Authority or its bond counsel to complete the transaction described herein. The execution of any instrument by the appropriate officer or offices of the HRA shall be conclusive evidence of the approval of such documents in accordance with the terms of this resolution.