



## Legislation Text

**File #:** RES 23-649, **Version:** 1

Resolution approving the execution of a tax increment financing development agreement for a project located at 115 Plato Boulevard West (Farwell Yards Project), District 3, Ward 2

WHEREAS, the Board of Commissioners of the Housing and Redevelopment Authority of the City of Saint Paul, Minnesota ("HRA") has heretofore established the Riverfront Redevelopment Project Area (the "Project Area") and has adopted a redevelopment plan therefor (the "Redevelopment Plan") pursuant to Minnesota Statutes, Sections 469.001 to 469.047, as amended; and

WHEREAS, the Redevelopment Plan contains an identification of need and a statement of purpose and objectives, land uses and standards for development for carrying out a redevelopment project, including property to be acquired, public improvements to be provided, development and redevelopment to occur, and sources of revenue to pay redevelopment costs within the Project Area; and

WHEREAS, pursuant to the provisions of Minnesota Statutes, Section 469.174 through 469.1794, as amended, (the "TIF Act"), the HRA has created, within the Project Area, the Farwell Yards Tax Increment Financing District as a redevelopment tax increment financing district (the "TIF District"), and adopted a tax increment financing plan therefor approved by the St. Paul City Council on September 14, 2022 and adopted by the HRA on October 26, 2022 (the "TIF Plan") which provides for the use of tax increment financing in connection with certain development within the Project Area and TIF District; and

WHEREAS, 115 Plato, LP, a Minnesota limited partnership (or another entity to be formed by or affiliated with Buhl Investors, LLC or any of its affiliates, the "Developer"), has proposed to construct and equip an approximately 53,540 square foot building with approximately 63 affordable rental housing units, to be located at 115 Plato Boulevard West in the City (the "Development"); and

WHEREAS, simultaneously, an affiliate of the Developer has commenced construction on an approximately 251,184 square foot mixed-use redevelopment consisting of approximately 221 rental housing units, approximately 2,585 square feet of commercial space, an at least 1.3-acre privately maintained park/plaza, and related infrastructure and parking adjacent to the Development in the TIF District (the "Market Rate Development"); and

WHEREAS, the Developer has submitted an application to the HRA for financial assistance and requested that the HRA cause to be prepared a Development Agreement (the "Development Agreement") between the HRA and the Developer setting forth the terms and conditions under which the HRA will provide tax increment financing assistance to the Developer, a copy of which is on file with the Executive Director of the HRA; and

WHEREAS, among other things, the Development Agreement will impose restrictions on the Development which will satisfy the requirements for assistance to affordable rental housing under 469.1763, subd. 2(d); and

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:

### Section 1. Approval and Execution of Documents.

1.01 Approval of Development Documents. The Board hereby approves the Development Agreement, which includes authorization of the TIF Notes (as defined therein), 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 Development Agreement and any subordinations, assignments or consents necessary in connection with the Developer's financing and approved by legal counsel to the HRA (collectively, the "Development Documents").

1.02        Execution of Documents. The Chair or any 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 manually-signed original signature that is then transmitted by electronic means; "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.

1.03        Future Amendments. 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.