

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JOSE APPROVING THE ISSUANCE OF REVENUE BONDS BY THE CITY IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$25,000,000 TO FINANCE A 152-UNIT MULTIFAMILY RENTAL HOUSING FACILITY FOR THE BENEFIT OF MARKHAM PLAZA II, LP, A CALIFORNIA LIMITED PARTNERSHIP, OR AN ENTITY TO BE CREATED BY CORE AFFORDABLE HOUSING, LLC (OR AN AFFILIATE), AND CERTAIN OTHER MATTERS RELATING THERETO

WHEREAS, Core Affordable Housing, LLC (“Core”), on behalf of Markham Plaza II, LP, a California limited partnership, or an entity to be created by Core or an affiliate thereof (collectively, the “Borrower”), has requested that the City of San José (the “City”) issue one or more series of revenue bonds in an aggregate principal amount not to exceed \$25,000,000, including but not limited to revenue bonds issued as part of a plan to finance or refinance the facilities described herein (the “Bonds”), for the acquisition and rehabilitation of a 152-unit multifamily rental housing facility (the “Project”) to be owned and operated by the Borrower and located at 2010 Monterey Road within the City; and

WHEREAS, the City proposes to issue the Bonds, the interest on which would be excluded from gross income of the owners of the Bond for federal income tax purposes; and

WHEREAS, the Bonds will constitute “qualified bonds” under Section 141(e) of the Internal Revenue Code of 1986 (the “Code”) provided that, pursuant to Section 147(f) of the Code, the “applicable elected representative” of the City approves the issuance of the Obligations after a duly noticed public hearing; and

WHEREAS, the City Council of the City (the “City Council”) is the elected legislative body of the City and is one of the “applicable elected representatives” required to approve the issuance of the Bonds under Section 147(f) of the Code; and

WHEREAS, pursuant to Section 147(f) of the Code, the City Council has, following notice duly given, held a public hearing regarding the issuance of the Bonds, and now desires to approve the issuance of the Bonds by the City;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSÉ THAT:

Section 1. The foregoing recitals are true and correct.

Section 2. The City Council hereby approves the issuance of Revenue Bonds by the City in an aggregate principal amount not to exceed \$25,000,000 to finance the acquisition and rehabilitation of a 152-unit multifamily rental housing facility for the benefit of Markham Plaza II, LP, a California limited partnership, or an entity to be created by Core Affordable Housing, LLC (or an affiliate), including but not limited to Bonds issued as part of a plan to finance or refinance the facilities described herein. It is the purpose and intent of the City Council that this resolution constitute approval of the issuance of the Bonds by the City, for the purposes of Section 147(f) of the Code, by the applicable elected representative of the governmental unit having jurisdiction over the area in which the Project is located, in accordance with said Section 147(f).

Section 3. The officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they deem necessary or advisable in order to carry out, give effect to and comply with the terms and intent of this resolution and the financing transaction approved hereby.

Section 4. This action is taken expressly for purposes of Section 147(f) of the Code, and nothing contained herein shall be construed to signify that the Project complies with the planning, zoning, subdivision and building laws and ordinances applicable thereto or to suggest that the City or any officer or agent of the City will grant any such approval, consent or permit that may be required in connection with the

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Project, or that the City will make any expenditures, incur any indebtedness or proceed with the financing of the Project.

ADOPTED this _____ day of _____, 2020, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk