

RESOLUTION PROVIDING APPROVAL OF A MULTIFAMILY
HOUSING FACILITY KNOWN AS BRIAR GREEN APARTMENTS IN
THE CITY OF DURHAM, NORTH CAROLINA AND THE FINANCING
THEREOF WITH MULTIFAMILY HOUSING REVENUE BONDS IN AN
AGGREGATE AMOUNT NOT TO EXCEED \$19,900,000

WHEREAS, the City Council of the City of Durham (the “City”) met in Durham, North Carolina at 7:00 p.m. on the 21st day of March, 2016; and

WHEREAS, the Housing Authority of the City of Durham (the “Authority”) has tentatively agreed to assist Pedcor Investments-2015-LXXXVI, L.P., an Indiana limited partnership, or an affiliate or subsidiary thereof (the “Company”), in the financing of the acquisition, construction and equipping of a low and moderate income multifamily residential rental facility to be known as Briar Green Apartments (the “Development”), consisting of approximately 200 units located at 500 Danube Lane, Durham, North Carolina, through the issuance of its not to exceed \$19,900,000 Multifamily Housing Revenue Bonds (Briar Green Apartments Project), Series 2016 (the “Bonds”); and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), requires that any tax-exempt bonds issued by the Authority for the Development may only be issued after a public hearing with respect to such bonds; and

WHEREAS, on February 24, 2016, the Authority held a public hearing with respect to the issuance of the Bonds to finance, in part, the Development (as evidenced by the Certificate and Summary of Public Hearing attached hereto) and has requested the City to approve the issuance of the Bonds as required by the Code; and

WHEREAS, the City has determined that approval of the issuance of the Bonds is solely to satisfy the requirement of Section 147(f) of the Code and shall in no event constitute an endorsement of the Bonds or the Development, nor shall such approval in any event be construed to obligate the City for the payment of the principal of, premium or interest on the Bonds or for the performance of any pledge, mortgage or obligation or agreement of any kind whatsoever which may be undertaken by the Authority or the Company, or to constitute the Bonds or any of the agreements or obligations of the Authority an indebtedness of the City, within the meaning of any constitutional or statutory provision whatsoever.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DURHAM:

1. The proposed low and moderate income housing development consisting of the acquisition, construction and equipping of the Development described above in the City by the Company and the issuance of the Authority’s multifamily housing revenue bonds therefor in an amount not to exceed \$19,900,000 are hereby approved for purposes of Section 147(f) of the Code.

2. This resolution shall take effect immediately upon its passage.

Council member _____ moved the passage of the foregoing resolution and Council member _____ seconded the motion, and the resolution was passed by the following vote:

Ayes: Council members _____

Nays: _____

Not voting: _____

* * * * *

CERTIFICATION

I, D. Ann Gray, City Clerk of the City of Durham, North Carolina, DO HEREBY CERTIFY that the foregoing is a true and exact copy of a Resolution adopted by the City Council for the City of Durham, North Carolina, in regular session convened on March 21, 2016, the reference having been in Minute Book _____, and recorded in full in Resolution Book _____ Pages _____.

WITNESS my hand and the corporate seal of the City of Durham, North Carolina, this the ___ day of March, 2016.

City Clerk

(SEAL)