

ORDINANCE NUMBER O- 15859 (New Series)

Adopted on NOV 15 1982

AN ORDINANCE AUTHORIZING THE SALE OF NOT TO EXCEED \$23,000,000 AGGREGATE PRINCIPAL AMOUNT OF THE CITY OF SAN DIEGO RENTAL HOUSING REVENUE BONDS, SERIES A - MARINER'S COVE (FEDERAL HOUSING ADMINISTRATION INSURED MORTGAGE LOAN) AND APPROVING, AND AUTHORIZING THE EXECUTION OF, RELATED DOCUMENTS, AGREEMENTS AND ACTIONS.

WHEREAS, by Ordinance No. O-15746 (New Series), adopted on May 3, 1982, the City Council of The City of San Diego (the "City Council") has adopted The City of San Diego Multi-Family Residential Mortgage Revenue Bond Law (the "Law") in order to establish a procedure for the authorization, issuance and sale of multi-family mortgage revenue bonds by The City of San Diego (the "City") for the purpose of making loans or otherwise providing funds to finance the development of affordable multi-family rental housing in order to meet a substantial housing need identified in the community; and

WHEREAS, the City Council has now determined to provide financing for a residential rental project, commonly known as Mariner's Cove Development (the "Development") containing five hundred (500) rental apartment units for the purpose of providing housing for low or moderate income persons or families, and the Development is to be situated on an approximately forty-five (45) acre parcel located at the northeast corner of West Point Loma and Nimitz Boulevards in the City; and

WHEREAS, to help finance the Development, the City proposes to issue not to exceed twenty-three million dollars (\$23,000,000) aggregate principal amount of its Rental Housing Revenue Bonds, Series A - Mariner's Cove (Federal Housing Administration Insured Mortgage Loan) (the "Bonds") pursuant to the Law; and

WHEREAS, Goldman, Sachs & Co. and Lehman Brothers Kuhn Loeb Incorporated (the "Underwriters") have expressed their intention to purchase the Bonds, and THE City Council finds that the public interest and necessity require that the City at this time make arrangements for the sale of the Bonds; NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. The proposed form Purchase Contract (the "Purchase Contract") presented to this meeting by the Underwriters for the purchase of the Bonds, and a copy of which is on file in the office of the City Clerk as Document No.

00-15859-1, is hereby approved in substantially the form so submitted, and the City Manager is hereby authorized to execute and deliver, for and in the name and on behalf of the City, said Purchase Contract with such additions, changes and corrections as said City Manager or his authorized deputy (hereinafter "City Manager") may approve upon consultation with the City Attorney or his authorized deputy (hereinafter "City Attorney") such approval to be conclusively evidenced by the City Manager's execution of said Purchase Contract with such additions, changes or corrections; provided, however, that in no event shall the

aggregate principal amount of the Bonds exceed \$23,000,000 or the stated rate of interest on any of the Bonds exceed 13% per annum.

Section 2. The proposed form of Indenture (the "Indenture"), by and between the City and Security Pacific National Bank, as Trustee, substantially in the form submitted to this meeting and a copy of which is on file in the office of the City Clerk as Document No. 00-15859-2, is hereby approved, and the City Manager of the City is hereby authorized and directed to execute and deliver, for and in the name of and on behalf of the City, said Indenture with such additions, changes and corrections as the City Manager may approve upon consultation with the City Attorney, such approval to be conclusively evidenced by the City Manager's execution of said Indenture with such additions, changes or corrections. The Bonds shall bear such date or dates, mature at such time or times, be in such denominations, be in such form, carry such registration privileges, be executed in such manner, be payable in lawful money of the United States of America at such place or places, and be subject to such terms of redemption as are set forth in the Indenture as finally executed.

Section 3. Security Pacific National Bank is hereby appointed to act as Trustee under the Indenture with the duties and powers of such Trustee as set forth in the Indenture.

Section 4. The proposed form of the Bonds, substantially in the form set forth in the Indenture, is hereby approved, and the proper officers of the City are hereby authorized and directed to execute, and the Trustee is hereby authorized and

directed to authenticate and deliver the Bonds in an aggregate principal amount of not to exceed \$23,000,000 to the Underwriters in accordance with the Purchase Contract and the Indenture.

Section 5. The proposed form of Mortgage Servicing Agreement by and between the City, BA Mortgage and International Realty Corporation (the "Servicer") and the Trustee, substantially in the form submitted to this meeting, and a copy of which is on file in the office of the City Clerk as Document No. 00-15859-3, is hereby approved, and the City Manager of the City is hereby authorized and directed to execute and deliver, for and in the name of and on behalf of the City, said Mortgage Servicing Agreement with such additions, changes and corrections as the City Manager may approve upon consultation with the City Attorney, such approval to be conclusively evidenced by the City Manager's execution of said Mortgage Servicing Agreement with such additions, changes or corrections.

Section 6. The proposed form of Development Loan Commitment by and between the City and Lincoln Property Company No. 409, LTD (the "Developer"), substantially in the form submitted to this meeting, and a copy of which is on file in the office of the City Clerk as Document No. 00-15859-4, is hereby approved, and the City Manager of the City is hereby authorized and directed to execute and deliver, for and in the name and on behalf of the City, said Development Loan Commitment with such additions, changes and corrections as said City Manager may approve upon consultation with the City Attorney,

such approval to be conclusively evidenced by the City Manager's execution of said Development Loan Commitment with such additions, changes or corrections.

Section 7. The proposed form of Supplemental Agreement by and between the City and the Developer, substantially in the form submitted to this meeting, and a copy of which is on file in the office of the City Clerk as Document No.

00- 15859-5 , is hereby approved, and the City Manager of the City is hereby authorized and directed to execute and deliver, for and in the name and on behalf of the City, said Supplemental Agreement with such additions, changes and corrections as the City Manager may approve upon consultation with the City Attorney, such approval to be conclusively evidenced by the City Manager's execution of said Supplemental Agreement with such additions, changes or corrections.

Section 8. The proposed form of Administration Agreement by and between the City and the San Diego Housing Commission substantially in the form submitted to this meeting, and a copy of which is on file in the office of the City Clerk as Document No. 00- 15859-6 , is hereby approved, and the City Manager of the City is hereby authorized and directed to execute and deliver, for and in the name and on behalf of the City, said Administration Agreement with such additions, changes and corrections as the City Manager may approve upon consultation with the City Attorney, such approval to be conclusively evidenced by the City Manager's execution of said Administration Agreement with such additions, changes or corrections.

Section 9. The form of preliminary Official Statement,

substantially in the form presented to this meeting, and a copy of which is on file in the office of the City Clerk as Document No. 00-15859-7, is hereby approved, and the City Council hereby approves and authorizes the distribution of said preliminary Official Statement to prospective purchasers of the Bonds. The proper officer of the City is hereby authorized to execute and deliver, at the time of the sale of the Bonds, said form of preliminary Official Statement as the final Official Statement with such additions and changes as said proper officer shall approve upon consultation with the City Attorney, such approval to be conclusively evidenced by the execution of said final Official Statement with such additions, changes or corrections.

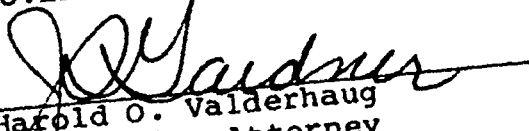
Section 10. All actions heretofore taken by the officers and agents of the City with respect to the sale and issuance of the Bonds are hereby approved, confirmed and ratified.

Section 11. The City Clerk is hereby authorized and directed to cause a digest or a copy of this ordinance to be published at least once in "The San Diego Daily Transcript" within fifteen (15) days after the adoption of this ordinance pursuant to Section 18 of the City Charter.

Section 12. This ordinance shall take effect on the thirtieth day from and after its adoption.

0-15859

APPROVED: John W. Witt, City Attorney

By 
for Harold O. Valderhaug
Deputy City Attorney

HOV:ps
10/15/82
Revised 10/21/82
Revised 10/28/82
Or. Dept: Hsg. Comm.
Form=r.none

0-15859

Passed and adopted by the Council of The City of San Diego on NOV 15 1982,
 by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Susan Golding	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksmas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON
 Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

(Seal)

By Ellen Board, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

NOV 2 1982, and on NOV 15 1982

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

(Seal)

By Ellen Board, Deputy.

Office of the City Clerk, San Diego, California	
Ordinance Number <u>0-15859</u>	Adopted <u>NOV 15 1982</u>

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK'S OFFICE
1982 DEC -2 AM 11:30
SAN DIEGO, CALIF.

SAN DIEGO, CITY OF
202 C St, 12th floor
San Diego, CA 92101

ATTN: ELLEN BOVARD

IN THE MATTER OF

NO.

ORDINANCE NO. O-15859

**ORDINANCE NO. O-15859
(New Series)**

DATE: NOV 15 1982

AN ORDINANCE AUTHORIZING THE SALE OF NOT TO EXCEED \$21,888,000 AGGREGATE PRINCIPAL AMOUNT OF THE CITY OF SAN DIEGO RENTAL HOUSING REVENUE BONDS, SERIES A - MARINER'S COVE (FEDERAL HOUSING ADMINISTRATION INSURED MORTGAGE LOAN) AND APPROVING, AND AUTHORIZING THE EXECUTION OF, RELATED DOCUMENTS, AGREEMENTS AND ACTIONS.

An ordinance which will authorize the sale of not more than \$21,888,000 aggregate principal amount of The City of San Diego Rental Housing Revenue Bonds, Series A - Mariner's Cove (Federal Housing Administration Insured Mortgage Loan) and the approval and authorization of execution of related documents, agreements and actions including a purchase contract between the City and Goldman, Sachs & Co. and Lehman Brothers Kuhn Loeb Incorporated, an indenture between the City and Security Pacific National Bank, as Trustee, the Mortgage Servicing Agreement between the City, BA Mortgage and International Realty Corporation and the Trustee, a Development Loan Commitment between the City and Lincoln Property Company No. 408, Ltd. (the Developer), a Supplemental Agreement between the City and the Developer, an Administration Agreement between the City and San Diego Housing Commission, and an Official Statement. Copies of the terms of all such documents are available for public inspection at the office of the City Clerk.

A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 12th Floor, City Administration Building, 202 "C" Street, San Diego, CA 92101

Passed and adopted by the Council of The City of San Diego on November 15, 1982, by the following vote:

YEAS: Golding, Williams, Struiksma, Killea, Wilson.

NAYS: Murphy.

NOT PRESENT: Mitchell, Cleator.

AUTHENTICATED BY:

PETE WILSON Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR City Clerk of The City of San Diego, California.

(SEAL)
By ELLEN BOVARD, Deputy
Publish November 23, 1982

80-2911

I, Charlene Casselman, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

**ORDINANCE NO. O-15859
(New Series)**

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

November 29, 1982

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 29th day of Nov, 1982.

Charlene Casselman

(Signature)

01349

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