

(R-86-947)

RESOLUTION NUMBER R- 264599

ADOPTED ON DEC 02 1985

WHEREAS, the City Council of The City of San Diego (the "City") has, by Ordinance No. O-15586 (New Series), adopted by the Council on September 14, 1981, enacted an Act of The City of San Diego entitled the Economic Development Revenue Bond Law (the "Law"), amending Article 7 of Chapter IX of the Municipal Code of the City by adding Divisions 1, 2, 3 and 4, authorizing and establishing the procedures for the sale and issuance of revenue bonds by the City for the purpose of providing financing to participating parties for economic development purposes and authorizing the appropriate officers of the City to take any and all action, to execute and deliver any and all agreements and documents necessary or advisable to consummate the lawful issuance and delivery of the bonds authorized by the Law; and

WHEREAS, by its Application dated October 28, 1985, Gene E. Lynn/Carmel Mountain Nursing Home (the "Participating Party") has requested the financial assistance of the City in connection with the costs of site acquisition and construction of a skilled care center at the intersection of Camino Del Norte and Carmel Mountain Road in San Diego, California, more particularly described in the Participating Party's Application (the "Facilities"), and the Participating Party has requested that the City take action, subject to appropriate conditions, towards the issuance of its Economic Development Revenue Bonds (the "Bonds") for such purposes; and

WHEREAS, the City desires to assist the Participating Party in the financing of the Facilities; NOW, THEREFORE,

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

Section 1. The Council of the City finds and determines that construction and financing of the Facilities would be in furtherance of one or more of the public purposes set forth in the Law, specifically Sections 97.0203(a) and 97.0203(d), and would promote the health, safety and welfare of the residents of the City and that it would be necessary and essential and a proper public purpose that the Facilities be financed at the earliest practicable date.

Section 2. The City hereby undertakes to authorize and issue up to an aggregate of \$6,000,000 of its Bonds but not more than the cost of the construction and financing of the Facilities which is presently estimated to be \$5,530,000, as may be requested by the Participating Party, in amounts sufficient to finance the costs of acquiring and constructing the Facilities described in the Application, to the extent that, in the opinion of bond counsel, the interest on the Bonds issued to provide such costs shall be exempt from federal income taxation.

Section 3. The City shall proceed to prepare or cause to be prepared the documentation necessary for the City to issue Bonds as aforesaid, the Participating Party having paid the required application fee and having provided satisfactory assurance that it will bear the cost of preparation of the necessary financing documents.

Section 4. The Bonds shall be payable solely from the revenues to be received by the City pursuant to one or more loan agreements or other agreements to be entered into by the City and the Participating Party in connection with the financing of the Facilities, under which the Participating Party will be obligated to pay amounts sufficient to make all payments of principal, premium (if any) and interest on the Bonds when due, and the Bonds shall not be deemed to constitute a debt or liability of the City under any constitutional charter or statutory debt limitations. Neither the faith and credit nor the taxing powers of the City shall be subject to the payment of the principal of, or premium, if any, or interest on the Bonds.

Section 5. Preparation of the necessary documents and issuance of the Bonds shall be subject to the following conditions:

(a) The City, with the assistance of an independent financial consultant, shall first confirm that the issuance of the Bonds, as anticipated herein, would be adequately secured and consistent with the qualifying criteria set forth in the Law; and

(b) The City and the Participating Party shall first agree to mutually acceptable terms for the offer and sale of the Bonds and the sale and delivery thereof and mutually acceptable terms and conditions for the loan or other agreement for the financing of the Facilities, reserving to each party the unrestricted discretion to determine when in each such party's sole judgment such terms are acceptable; and

(c) All requisite governmental approvals shall have first been obtained; and


(d) The Law shall be in effect.

Section 6. It is the purpose and intent of the City that this resolution constitutes official action toward the issuance of obligations by the City for the Facilities in accordance with Section 1.10308(a)(5)(iii) of the Regulations promulgated by the United States Department of the Treasury under Section 103 of the Internal Revenue Code of 1954, as amended.

Section 7. The selection of O'Connor, Cavanagh, Anderson, Westover, Killingsworth & Beshears, One East Camelback Road, Suite 1100, Phoenix, Arizona 85012-1656, as bond counsel, is hereby approved and the City Attorney is authorized to execute an agreement for bond counsel's services with said bond counsel, the form of which agreement is on file in the office of the City Clerk as Document No. RR- 264539 .

Section 8. Whether any bonds are issued or not, the City shall not be put to any expense hereby and any and all costs of this application shall be borne by the Participating Party.

APPROVED: JOHN W. WITT, City Attorney

By   
Harold O. Valderhaug  
Deputy City Attorney

HOV:ps  
11/18/85  
Or.Dept:Prop.  
R-86-947  
Form=r.none

DEC 02 1985

Passed and adopted by the Council of The City of San Diego on .....  
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struikma	<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"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECOCK  
Mayor of The City of San Diego, California.

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

(Seal)

By *Charles G. Abdelnour*, Deputy.

Office of the City Clerk, San Diego, California

Resolution *R-264599*  
Number ..... Adopted **DEC 02 1985**