



# Lake County Illinois

## Legislation Text

File #: 17-0889, Version: 1

Resolution amending Resolution Number 17-0042, "Resolution authorizing the issuance and delivery of an amount not to exceed \$22,000,000 multifamily housing revenue notes, 2017 series A and B (Lilac Ledge Apartments), for the purpose of making a loan to Lilac Ledge Apartments, LP, an Illinois limited partnership, in order to finance a portion of the costs of acquiring, constructing, rebuilding, improving and extending a multifamily housing facility to be located in the City of Waukegan, Illinois; authorizing the execution and delivery of a borrower loan agreement, a funding loan agreement, a tax regulatory agreement, and various other documents and instruments in connection with the foregoing; authorizing the terms and issuance of the notes; repealing all resolutions or portions of resolutions in conflict with the provisions of this resolution; providing for an effective date; and concerning related matters" to extend the authorization until December 31, 2017.

- In January 2017, the County Board authorized the issuance of conduit bonds for the improvement of Lilac Ledge Apartments, located at 542 West Washington Street, Waukegan, Illinois, which consists of 203 independent residential rental units for seniors; 10 are efficiency units and 193 are one-bedroom units.
- Current ownerships intends to sell the building to new owners, who will use the funds from these revenue notes to acquire and rehabilitate these affordable housing units that were constructed in the mid-1970s.
- The borrower anticipated being able to receive final approval of funding from its other necessary funding sources, such as U.S. Housing and Urban Development, by September 30, 2017.
- The borrower has not yet been able to receive approval from these other funding sources, and requests that the deadline for issuance of these conduit bonds be extended to December 31, 2017.
- The resolution amends Section 17 of the original resolution to replace September 30, 2017 with December 31, 2017.

### RESOLUTION

**WHEREAS**, the County Board of The County of Lake, Illinois (the "**County**") adopted Resolution Number 17-0042 on January 17, 2017, authorizing, among other things, the issuance and delivery by the County, pursuant to its authority under the Industrial Building Revenue Bond Act, as amended, 50 ILCS 445/1 *et seq.*, of not to exceed \$22,000,000 multifamily housing revenue notes, 2017 Series A and B (Lilac Ledge Apartments) (the "**Governmental Notes**") and the loaning of the proceeds to Lilac Ledge Apartments, LP, an Illinois Limited Partnership (the "**Borrower**") in order to finance a portion of the costs of the acquisition, construction, rehabilitation, improvement and extension of an existing multifamily residential rental project known as Lilac Ledge Apartments located at 542 West Washington Street, Waukegan, Illinois, 60085 (the "**Project**"), within the physical boundaries of the County; and

**WHEREAS**, Section 17 of Resolution Number 17-0042 provides, among other things, that no Governmental Notes shall be issued nor shall the officers of the County execute any of the documents authorized to be executed by Resolution Number. 17-0042 unless and until on or before September 30, 2017 (or such later date as shall be mutually approved by the County Board, by

resolution or ordinance duly adopted, and the Borrower), the County and the Borrower, solely in their complete discretion, shall have agreed to mutually acceptable terms and conditions of any agreements, instruments, and proceedings relating to the Governmental Notes; and

**WHEREAS**, due to circumstances beyond the control of the County, including delays experienced by the Borrower in obtaining approvals from funding sources for the Project other than the Governmental Notes, it is unlikely that the County and the Borrower will agree to mutually acceptable terms and conditions of all agreements, instruments, and proceedings relating to the Governmental Notes on or before September 30, 2017; and

**WHEREAS**, the Borrower has requested that the County extend the date set forth in Section 17 of Resolution Number 17-0042 from September 30, 2017 to December 31, 2017; and

**WHEREAS**, the County Board has determined, and finds that it is proper, necessary and desirable to extend the date set forth in Section 17 of Resolution number 17-0042 from September 30, 2017 to December 31, 2017.

**NOW, THEREFORE, BE IT RESOLVED**, by the County Board of The County of Lake, Illinois, as follows:

**Section 1. *Incorporation of Preambles.*** The preambles are incorporated into this Amendatory Note Resolution by this reference and made a part of this Amendatory Note Resolution.

**Section 2. *Amendment to Section 17 of Resolution Number 17-0042.*** Section 17 of Resolution Number 17-0042 is hereby amended to read as follows (revision shown as ~~strikethrough~~ for deleted language and underline for added language):

**Section 17. *Additional Requirements for Issuance.*** No Governmental Notes shall be issued nor shall the officers of the County execute any of the documents authorized to be executed hereby unless and until (a) an opinion of bond counsel shall have been provided to the County that the Project, upon completion, will constitute an "industrial project," as defined in Section 2 of the Act, and that the County has the full power, right and authority to issue the Governmental Notes under the Act; (b) on or before ~~September 30, 2017~~ December 31, 2017 (or such later date as shall be mutually approved by the County Board, by resolution or ordinance duly adopted, and the Borrower), the County and the Borrower, solely in their complete discretion, shall have agreed to mutually acceptable terms and conditions of any agreements, instruments, and proceedings relating to the Governmental Notes; and (c) the Borrower agrees to pay to the County, immediately upon presentation of a written demand or demands therefor, all legal and other consulting and administrative fees, costs, and expenses incurred or accrued in connection with the negotiation, preparation, consideration and review of this Note Resolution and the performance by the County of its obligations under this Note Resolution, and all fees, costs and expenses that the County may incur at the request of the Borrower or as a result of or arising out of this Note Resolution or in connection with the issuance of the Governmental Notes and the costs of the Project, and also a one-time payment to Lake County Partners, as designee of the County, in the amount of one percent (1%) of the aggregate principal amount of the Governmental Notes issued.

**Section 3. *Defined Terms.*** Words and terms which are defined in Resolution Number 17-0042 used in this Amendatory Note Resolution shall have the same meanings ascribed to them in

Resolution Number 17-0042, unless the context or use herein indicate a different meaning or intent or unless a different meaning is ascribed to them in this Amendatory Note Resolution.

**Section 4. *Ratification of Resolution Number 17-0042 and Proceedings.*** In all respects, not inconsistent with the terms and provisions of this Amendatory Note Resolution, Resolution Number 17-0042 and all proceedings, resolutions and actions of the County and the County's officers, employees and agents taken in connection with and in furtherance of the issuance and delivery of the Governmental Notes and the acquisition, construction, rebuilding, improvement and extension of the Project are ratified, confirmed and approved.

**Section 5. *Recording of Amendatory Note Resolution.*** Immediately after its passage, this Amendatory Note Resolution shall be recorded in a book kept by the County Clerk for the purpose.

**Section 6. *Severability.*** It is declared that all parts of this Amendatory Note Resolution are severable and that if any section, paragraph, clause or provision of this Amendatory Note Resolution shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of any such section, paragraph, clause or provision shall not affect the remaining provisions of this Amendatory Note Resolution; provided, however, that no holding of invalidity or unenforceability shall require the County to make any payments from revenues other than the proceeds derived from the sale of the Governmental Notes issued under the Funding Loan Agreement and the proceeds derived from the Borrower Loan Agreement (except such proceeds as may be derived from the County pursuant to its Unassigned Rights) or impose any personal liability on any director, member, elected or appointed officer, official, employee, attorney or agent of the County.

**Section 7. *Conflicting Ordinances, Etc.*** All ordinances, resolutions and regulations or parts thereof heretofore adopted or passed which conflict with any of the provisions of this Amendatory Note Resolution are repealed, to the extent of such conflict.

**Section 8. *Effective Date.*** This Amendatory Note Resolution shall become effective and shall be in full force immediately upon its adoption.

**DATED** at Waukegan, Illinois, on 12<sup>th</sup> day of September, 2017.