



## **RESOLUTION NO. 2024-13**

### **RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF MULTIFAMILY HOUSING REVENUE BONDS (LAKESHORE VILLAS), SERIES 2024**

WHEREAS, Lakeshore Villas, LLC, a North Carolina limited liability company (the “Borrower”), has requested that the Housing Authority of the City of Asheville (the “Authority”) assist it in financing a portion of the cost of the acquisition, construction and equipping of a 120-unit multifamily residential rental facility to be known as Lakeshore Villas and located in Arden, Buncombe County, North Carolina (the “Project”); and

WHEREAS, the Authority proposes to provide the financing for the Project by the issuance of its multifamily housing revenue bonds, to be designated Multifamily Housing Revenue Bonds (Lakeshore Villas), Series 2024, in the aggregate principal amount not to exceed \$23,500,000 (the “Bonds”); and

WHEREAS, a portion of the cost of the Project will be financed with funds provided by a tax credit investor as a result of the purchase of 4% low-income housing tax credits available under Section 42 of the Code; and

WHEREAS, the Borrower has received an allocation of volume cap for the Bonds and the Project from the North Carolina Housing Finance Agency, and the North Carolina Federal Tax Reform Allocation Committee as required by Section 146 of the Code; and

WHEREAS, the Authority proposes to authorize and, where applicable, execute the following instruments to carry out the transactions described above (the “Documents”):

(a) Trust Indenture (the “Indenture”), between the Authority and U.S. Bank Trust Company, National Association, as trustee (the “Trustee”), authorizing the issuance of the Bonds and providing for the terms and details thereof and the security therefor, together with the form of the Bonds attached thereto; and

(b) Loan Agreement (the “Loan Agreement”), between the Authority and the Borrower, providing for the terms and conditions pursuant to which the loan of the proceeds of the Bonds will be made by the Authority to the Borrower, together with a Promissory Note from the Borrower to the Authority, which the Authority will assign to the Trustee (the “Note”);

(c) Regulatory Agreement and Declaration of Restrictive Covenants (the “Regulatory Agreement”), by the Borrower for the benefit of the Authority and the Trustee, pursuant to which the Borrower agrees to comply with the requirements of the Code relating to low and moderate income housing; and

(d) Preliminary Official Statement (the “Preliminary Official Statement”) relating to the offering and sale of the Bonds; and

(e) Bond Purchase Agreement to be dated the date of the sale of the Bonds (the “Bond Purchase Agreement”) among the Borrower, the Authority and Stifel, Nicolaus & Company, Incorporated (the “Underwriter”), providing for the issuance and sale by the Authority and the purchase by the Underwriter of the Bonds;

**NOW, THEREFORE, BE IT RESOLVED BY THE HOUSING AUTHORITY OF THE CITY OF ASHEVILLE:**

1. The Authority hereby determines to provide financing to the Borrower for the acquisition, construction and equipping of the Project through the issuance of the Bonds pursuant to the North Carolina Housing Authorities Law, Article 1 of Chapter 157 of the General Statutes of North Carolina, as amended, the deposit of the proceeds thereof with the Trustee and the advance of such proceeds to the Borrower in accordance with the Loan Agreement.

2. The Authority hereby authorizes the issuance and sale of the Bonds pursuant to the Indenture and in accordance with the terms set forth in the Bond Purchase Agreement and the Indenture. The Bonds will bear interest at the rates and will mature, be subject to mandatory tender and be redeemed in the years and amounts all as set forth in the Indenture; provided, however, that the aggregate principal amount of the Bonds shall not exceed \$23,500,000.

3. Each of the Chairman, Vice Chairman or Chief Executive Officer of the Authority or their respective designees are each hereby authorized and directed to execute and deliver the Indenture, the Loan Agreement, the Regulatory Agreement and the Bond Purchase Agreement to the other parties thereto.

4. The distribution of the Preliminary Official Statement by the Underwriter to prospective purchasers of the Bonds is hereby approved. The Authority is authorized to deem the Preliminary Official Statement to be “final” within the meaning of Rule 15c2-12 of the Rules and Regulations promulgated under the Securities Exchange Act of 1934, as amended. The Chairman, Vice Chairman or Chief Executive Officer of the Authority or their respective designees are hereby authorized and directed to approve and deliver the final Official Statement (in substantially the form of the Preliminary Official Statement, but incorporating the final terms and details of the Bonds) to the Underwriter and the Underwriter is hereby authorized and directed to distribute the Official Statement to the purchasers of the Bonds.

5. The Chairman or Vice Chairman of the Authority or their respective designees are hereby authorized and directed to execute and deliver the Bonds in the manner and subject to the conditions provided in the Indenture to the Trustee for authentication and to cause the Bonds so executed and authenticated to be delivered to or for the account of the Underwriter upon payment of the purchase price therefor as provided in the Bond Purchase Agreement.

6. The Documents and the Bonds (in the form of Exhibit A to the Indenture) shall be in substantially the forms previously reviewed by staff and described herein, which are hereby approved, with such completions, omissions, insertions and changes as may be necessary to reflect the final terms of the Bonds, including any changes that may be required by any rating agency that is rating the Bonds, any changes in dates as may be required to reflect the date of the actual closing, and as otherwise approved by the officers of the Authority executing them after consultation with bond counsel and counsel to the Authority, their execution to constitute conclusive evidence of their approval of any such completions, omissions, insertions and changes.

7. Any authorization made hereby to the officers of the Authority to execute a Document shall include authorization to the Chairman, Vice Chairman or Chief Executive Officer of the Authority or their respective designees to execute the document, authorization to the Secretary or any Assistant Secretary to affix the seal of the Authority to such document and attest such seal if necessary, and, where appropriate, to deliver it to the other parties thereto, all in the manner provided in the Documents.

8. Such officers are hereby authorized and directed to execute and deliver any and all other documents, agreements, instruments, and certificates in the name and on behalf of the Authority and to take such other actions on behalf of the Authority as may be necessary or desirable to the issuance of the Bonds, including but not limited to a tax certificate, tax forms and other certificates. All other acts of the officers of the Authority previously taken or to be taken that are in conformity with the purposes and intent of this resolution and in furtherance of the undertaking of the Project and the issuance and sale of the Bonds are hereby authorized, ratified, confirmed and approved.

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

**RECORDING OFFICER'S CERTIFICATION**

I, Monique Pierre, the duly appointed Secretary of the Housing Authority of the City of Asheville, do hereby certify that Resolution **No. 2024-13** was properly adopted at a regular meeting held April 24, 2024.

By: \_\_\_\_\_  
Monique L. Pierre, Secretary

(SEAL)