

HOUSING AUTHORITY OF THE COUNTY OF KING

RESOLUTION NO. 5246

A RESOLUTION of the Housing Authority of the County of King authorizing the Executive Director to negotiate and execute a lease agreement relating to the Chinook senior rental housing component of the Authority's Park Lake Homes, Site II, HOPE VI redevelopment project (now known as Seola Gardens); authorizing a loan in an amount not to exceed \$2,500,000 to Providence Health & Services Washington or an affiliate in connection with such housing; and determining related matters.

ADOPTED October 7, 2009

This document was prepared by:

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WHEREAS, the Housing Authority of the County of King (the "Authority") seeks to encourage the provision of long-term housing for low-income persons residing within King County, Washington; and

WHEREAS, RCW 35.82.070(5) provides that a housing authority may, among other things and if certain conditions are met, "lease or rent any dwellings . . . buildings, structures or facilities embraced in any housing project"; and

WHEREAS, RCW 35.82.020 defines "housing project" to include, among other things, "any work or undertaking . . . to provide decent, safe and sanitary urban or rural dwellings, apartments, mobile home parks or other living accommodations for persons of low income"; and

WHEREAS, RCW 35.82.070(18) provides that a housing authority may, among other things and if certain conditions are met, "make . . . loans for the . . . acquisition, construction . . . rehabilitation, improvement . . . or refinancing of land, buildings, or developments for housing for persons of low income"; and

WHEREAS, it is anticipated that financing for the Chinook senior housing component (the "Project") of the Park Lake Homes Site II, HOPE VI redevelopment project (now known as Seola

Gardens) will involve the use of a HUD Section 202 Financing Supportive Housing for the Elderly Program (“HUD 202 Financing”); and

WHEREAS, HUD policies relating to HUD 202 Financings require that the owner of the Project be a non-profit organization or an affiliate organization in which a non-profit exercises managerial control; and

WHEREAS, the Authority anticipates that Providence Health & Services Washington, a Washington State non-profit corporation, or an affiliated limited liability company or limited partnership formed for the purpose (in either case also encompassed by the term “Providence”), will lease from the Authority land for the Project, which is designated on the Park Lake Homes II preliminary plat as parcel 15 (the “Land”); and

WHEREAS, it is a condition of HUD 202 Financings that the recipient demonstrate additional funding in an amount at least equal to 25% of the amount of the HUD 202 Financing; and

WHEREAS, the Authority desires to facilitate the application for the HUD 202 Financing by committing to make a loan to Providence if no other funding satisfying the HUD 202 Financing requirements is obtained; and

WHEREAS, the Authority has determined that the loan authorized herein is important for the feasibility of the Project; and

WHEREAS, the Authority wishes to undertake those steps as may be necessary, reasonable and/or advisable to obtain the HUD 202 Financing funding for the Project; NOW, THEREFORE,

BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE HOUSING AUTHORITY OF THE COUNTY OF KING as follows:

Section 1. HUD 202 Financing Application. The Executive Director of the Authority is authorized to assist Providence in submitting an application for funding for the Project in the form of HUD 202 Financing.

Section 2. Lease Agreement. The Executive Director of the Authority is authorized to negotiate the terms of a Lease Agreement, which may initially take the form of a Lease Option Agreement (“Option”), between the Authority and Providence, under which Providence will lease the Land from the Authority, and to execute such Option and/or Lease Agreement on behalf of the Authority. Such Lease Agreement shall be substantially in the form of the lease option agreement employed previously with the Korean Women’s Association, with such changes, including material changes, as the Executive Director of the Authority shall deem necessary or appropriate.

Section 3. Loan to Providence. The Executive Director of the Authority is further authorized to negotiate the terms of a Loan Agreement between the Authority and Providence, under which the Authority will lend Providence an amount equal to at least 25% of the amount of the HUD 202 Financing to provide additional financing for the Project, but in no event will such loan amount exceed \$2,500,000. The Executive Director of the Authority is further authorized to issue a binding commitment for such a loan to Providence, subject to the receipt by Providence of the Section 202 Financing and the continued need for such Project financing due to the failure to obtain a substitute source of Project financing on equivalent or better terms.

Section 4. Governmental Filings; Other Agreements. The Executive Director is further authorized to execute, deliver and, if applicable, file (or cause to be executed, delivered and, if applicable, filed), on behalf of the Authority, any government forms, affidavits, certificates,

letters, documents, agreements and instruments that he determines to be necessary or advisable to give effect to this resolution and to consummate the transactions contemplated herein.

Section 5. Expenditures. The Authority is authorized to expend such funds as are necessary to pay for all filing fees, application fees, registration fees and other costs relating to the actions authorized by this resolution.

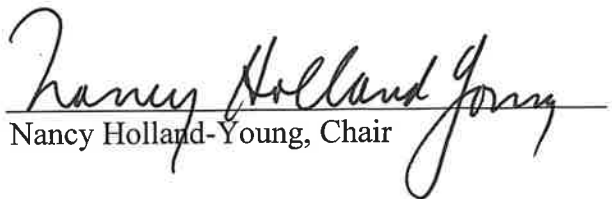
Section 6. Acting Officers Authorized. Any action required by this resolution to be taken by the Executive Director of the Authority may in his absence be taken by a Deputy Executive Director of the Authority.

Section 7. Ratification and Confirmation. Any actions of the Authority or its officers prior to the date hereof and consistent with the terms of this resolution are ratified and confirmed.


Section 8. Effective Date. This resolution shall be in full force and effect from and after its adoption and approval.

ADOPTED by the Board of Commissioners of the Housing Authority of the County of King at a special meeting this 7th day of October, 2009.

HOUSING AUTHORITY OF THE COUNTY OF
KING

By: 
Nancy Holland-Young, Chair

ATTEST:



Stephen Norman
Secretary-Treasurer

CERTIFICATE

I, the undersigned, the duly chosen, qualified and acting Executive Director of the Housing Authority of the County of King (the "Authority"), and keeper of the records of the Authority, CERTIFY:

1. That the attached Resolution No. 5246 (the "Resolution") is a true and correct copy of the resolution of the Board of Commissioners of the Authority as adopted at a special meeting of the Authority held on October 7, 2009, and duly recorded in the minute books of the Authority.

2. That written notice specifying the time and place of the special meeting and noting the business to be transacted was given to all members of the Board of Commissioners by mail or by personal delivery at least 24 hours prior to the special meeting, a true and complete copy of which notice is attached hereto as Appendix 1;

3. That written notice of the special meeting was given to each local radio or television station and to each newspaper of general circulation that has on file with the Authority a written request to be notified of special meetings, or to which such notice customarily is given; and

4. That such meeting was duly convened and held in all respects in accordance with law; that a quorum was present throughout the meeting and a majority of the members of the Board of Commissioners of the Authority present at the meeting voted in the proper manner for the adoption of the Resolution; that all other requirements and proceedings incident to the proper adoption of the Resolution have been duly fulfilled, carried out and otherwise observed, and that I am authorized to execute this Certificate.

IN WITNESS WHEREOF, I have hereunto set my hand this 7th day of October, 2009.



Executive Director of the Authority

CERTIFICATE

