



1/4/2009

UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

ORDINANCE NO: 677-2009
 DATE OF INTRO: 1-4-09
 DATE OF ADOPTION: 1-28-09

ORDINANCE PROVIDING THE CONSENT OF THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF UNION TO THE ISSUANCE BY THE UNION COUNTY IMPROVEMENT AUTHORITY OF ITS MORTGAGE REVENUE BONDS, SERIES 2009 (OAKWOOD PLAZA-ELIZABETH) IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$20,000,000 FOR THE AFFORDABLE RESIDENTIAL DEVELOPMENT KNOWN AS OAKWOOD PLAZA (THE "PROJECT").

WHEREAS, the Union County Improvement Authority (the "Authority") has been duly created by an ordinance of the Board of Chosen Freeholders (the "Board of Chosen Freeholders") of the County of Union, New Jersey (the "County"), as a public body corporate and politic of the State of New Jersey (the "State") pursuant to and in accordance with the County Improvement Authorities Law, constituting Chapter 183 of the Pamphlet Laws of 1960 of the State, as amended and supplemented from time to time (the "Act"), and

WHEREAS, the Authority has been requested by the purchaser, Community Investment Services to provide financing for the acquisition and renovation of an affordable residential development located at 380 Irvington Avenue, City of Elizabeth, Union County, New Jersey, Block 11, Lots 45 and 1199A, known as Oakwood Plaza (the "Project"), and

WHEREAS, the Project is expected to provide dwelling accommodations for occupancy by persons and families of low and moderate income, and

WHEREAS, the Authority is desirous of assisting in the financing of the Project, to the extent permitted by law, if such assistance will assure the continued availability of dwelling accommodations for occupancy by persons and families of low and moderate income, and

NO SUFFICIENCY OF FUNDS REQUIRED
Frank W. Adams
 1-2-09

CONTINUED...

INTRODUCTION				RECORD OF VOTE				FINAL ADOPTION							
FREEHOLDER	Aye	Nay	Abs	Pass	Ord	Sec	NP	FREEHOLDER	Aye	Nay	Abs	Pass	Ord	Sec	NP
ESTRADA	X					X		ESTRADA	X						
HOLMES	X							HOLMES							X
KOWALSKI	X							KOWALSKI	X						
PROCTOR	X							PROCTOR	X						
SCANLON	X							SCANLON	X						
VAN BLAKE	X							VAN BLAKE	X					X	
WARD	X							WARD	X						
SULLIVAN VICE-CHAIRMAN	X							SULLIVAN VICE-CHAIRMAN	X						
MIRABELLA CHAIRMAN	X				X			MIRABELLA CHAIRMAN	X				X		

APPROVED AS TO FORM

 COUNTY ATTORNEY

I hereby certify the above is an original ordinance adopted by the Board of Chosen Freeholders of the County of Union on the aforementioned date

 CLERK

I hereby certify this is a true copy of a ordinance adopted by the Board of Chosen Freeholders of the County of Union on the aforementioned date

 CLERK

WHEREAS, the Authority expects to obtain funds to assist the financing of the Project through the issuance of its bonds in an amount not to exceed \$20,000,000 (the "Bonds") issued pursuant to a Bond Resolution to be adopted by the Authority entitled "**RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF COUNTY GUARANTEED MORTGAGE REVENUE BONDS, SERIES 2009 (OAKWOOD PLAZA-ELIZABETH) (TAXABLE) OF THE UNION COUNTY IMPROVEMENT AUTHORITY IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$20,000,000 IN CONNECTION WITH THE AUTHORITY'S FINANCING OF A LOW AND MODERATE INCOME HOUSING PROJECT IN THE CITY OF ELIZABETH, COUNTY OF UNION AND AUTHORIZING AND APPROVING THE EXECUTION AND DELIVERY OF A LOAN AGREEMENT AND RELATED INSTRUMENTS ANNEXED THERETO, A TRUST INDENTURE AND RELATED INSTRUMENTS ANNEXED THERETO, A PURCHASE AGREEMENT AND RELATED INSTRUMENTS ANNEXED THERETO, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH**" (the "Bond Resolution") ; and

WHEREAS, in accordance with Section 13 ("Section 13") of the Act (N.J.S.A. 40:37A-56), prior to the issuance of the Bonds, the Authority shall make a detailed report with respect to such financing to the Board of Chosen Freeholders of the County, which report shall include copies or a description of, without limitation, the various financing documents; and

WHEREAS, in accordance with N.J.S.A. 40A:5A-6 and N.J.S.A. 40:37A-80 the Authority shall make application, on behalf of the Authority, the County, and the City of Elizabeth (the "City") to the Local Finance Board in the Division of Local Government Services of the Department of Community Affairs of the State (the "Local Finance Board") for the Local Finance Board's review of the financing, including, *inter alia*, the Bond Resolution, the County Guaranty Agreement, the County Guaranty, the City Deficiency Agreement, and Continuing Disclosure Agreements (the "Financing Documents"); and

WHEREAS, in accordance with the terms of Section 37 of the Act (N.J.S.A. 40:37A-80) and the County Guaranty, the County shall be obligated, if necessary, to levy *ad valorem* taxes upon all the taxable property within the County without limitation as to rate or amount to make the timely payment of the principal of (including mandatory sinking fund installments, if any) and interest on the Bonds; and

WHEREAS, in order to induce the prospective purchasers of the Bonds to purchase same, the Bonds shall otherwise be secured by a guarantee ordinance adopted by the County unconditionally and irrevocably guaranteeing a portion of the principal of (including mandatory sinking fund installments, if any) and interest on the Bonds, all pursuant to Section 37 of the Act (N.J.S.A. 40:37A-80); and

WHEREAS, the Authority believes: (i) it is in the public interest to accomplish such purpose; (ii) said purpose is for the health, wealth, convenience or betterment of the inhabitants of the County and the City; (iii) the amounts to be expended for said purpose are not unreasonable or exorbitant; and (iv) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the County and the City and will not create an undue financial burden to be placed upon the Authority, the City or the County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF UNION, NEW JERSEY as follows:

Section 1. In accordance with Section 13 and all other applicable law, the Board of Freeholders hereby consents to (i) the Project and the financing of same, (ii) the execution and delivery by the Authority of the Bond Resolution, the Bond Documents, the Oakwood Project County Guaranty Agreement, Continuing Disclosure Agreements, and such other documents as necessary and reasonable for the transaction (the "Financing Documents"), which documents shall be filed with the Clerk of the Board prior to the issuance of any Bonds, (iii) the adoption by the Authority of the Bond Resolution, and (iv) the issuance, sale and delivery of the Bonds to effect such purpose. The consent hereto given to the Financing Documents contemplates the insertion of the final financing terms.

Section 2. This ordinance shall take effect at the time and in the manner provided by law.

Section 3. Upon the adoption hereof, the Clerk of the Board of Chosen Freeholders shall forward certified copies of this ordinance to the County Manager, County Counsel, County Bond Counsel, the Executive Director of the Authority, and the Law Office of John G. Hudak, Esq., LLC, Bond Counsel to the Authority.