

**THIS IS A DRAFT AND WILL BE REPLACED BY THE FINAL, SIGNED ORDINANCE OR RESOLUTION ADOPTED BY THE CITY COUNCIL.**

**AN ORDINANCE**

**AUTHORIZING THE SAN ANTONIO HOUSING TRUST FINANCE CORPORATION TO ISSUE TAX-EXEMPT MULTI-FAMILY HOUSING REVENUE BONDS (TRAILS AT LEON CREEK APARTMENTS PROJECT), SERIES 2017 IN AN AMOUNT NOT TO EXCEED \$35,000,000.00 TO PROVIDE FINANCING FOR THE CONSTRUCTION OF THE TRAILS AT LEON CREEK APARTMENTS PROJECT LOCATED IN COUNCIL DISTRICT 7; ENACTING OTHER PROVISIONS INCIDENT AND RELATED TO THE SUBJECT AND PURPOSE OF THIS ORDINANCE; AND PROVIDING FOR AN IMMEDIATE EFFECTIVE DATE.**

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**WHEREAS**, the San Antonio Housing Trust Finance Corporation (the “Corporation”) was heretofore created pursuant to action of the City Council of the City of San Antonio, Texas (the “City”) and is existing and operating pursuant to Chapter 394, Texas Local Government Code, as amended; and

**WHEREAS**, the Corporation has approved the issuance of Tax-Exempt Multi-family Housing Revenue Bonds (Trails at Leon Creek Apartments Project), Series 2017 in one or more series in an amount not to exceed \$35,000,000.00 (the “Bonds”) for use by Pedcor Investments– 2016–CLVI, L.P.; and

**WHEREAS**, Article IV of the Articles of Incorporation of the Corporation provides limitations on the powers of the Corporation unless the City Council otherwise authorizes; and

**WHEREAS**, in accordance with its Articles of Incorporation, the Corporation has requested that the City Council authorize the Corporation’s issuance of the Bonds to support the construction of the Trails at Leon Creek Apartments (the “Project”), which will provide affordable housing within the corporate limits of the City; and

**WHEREAS**, in order to timely assist in the completion of the construction of the Project, it is now necessary to authorize the issuance and disbursement of the Bonds; **NOW THEREFORE:**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:**

**SECTION 1.** So as to enable financing certain costs for the Trails at Leon Creek Apartments, the Corporation is hereby authorized to issue its Tax-Exempt Multi-family Housing Revenue Bonds in one or more series in an amount not to exceed \$35,000,000.00, with a variable interest rate based upon LIBOR plus 0.75% but not less than 3% nor more than 8%, with a final maturity of no later than December 31, 2060 upon approval by the Corporation’s Board of Directors of

substantially final documents.

**SECTION 2.** The Mayor, City Manager, and the City Clerk hereby are authorized jointly and severally to execute and deliver all documents necessary to effectuate the purposes of this Ordinance and Chapter 394, Texas Local Government Code, as amended.

**SECTION 3.** . The lease between the San Antonio Housing Trust Public Facility Corporation and the developer of the Project shall incorporate a provision requiring the Project to comply with the requirements shown on **Attachment I** and must provide the City with third party beneficiary rights sufficient to enable the City to insure compliance with the requirements shown on **Attachment I**.

**SECTION 4.** The recitals contained in the preamble hereof are hereby found to be true, and such recitals are hereby made a part of this Ordinance for all purposes and are adopted as a part of the judgment and findings of the City Council.

**SECTION 5.** All ordinances and resolutions, or parts thereof which are in conflict or inconsistent with any provision of this Ordinance are hereby superseded by this Ordinance to the extent of such conflict, and the provisions of this Ordinance shall be and remain controlling as to the matters ordained herein.

**SECTION 6.** This Ordinance shall be construed and enforced in accordance with the laws of the State of Texas and the United States of America.

**SECTION 7.** If any provision of this Ordinance or the application thereof to any person or circumstance shall be held to be invalid, the remainder of this Ordinance and the application of such provision to other persons and circumstances shall nevertheless be valid, and the City Council hereby declares that this Ordinance would have been enacted without such invalid provision.

**SECTION 8.** It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

**SECTION 9.** This Ordinance is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

**PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.**

**M A Y O R**  
Ron Nirenberg

**ATTEST:**

**APPROVED AS TO FORM:**

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Leticia M. Vacek, City Clerk

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Andy Segovia, City Attorney

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