



Resolution

RESOLUTION NO. 557

OFFICE OF THE
MAYOR
CITY OF SAN LUIS

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN LUIS AMENDING ITS RESOLUTION NO. 541 GRANTING APPROVAL TO A MULTIFAMILY RESIDENTIAL RENTAL PROJECT IN THE CITY OF SAN LUIS AND TO THE ISSUANCE OF MULTIFAMILY HOUSING REVENUE BONDS OF THE ARIZONA HOUSING FINANCE AUTHORITY TO FINANCE SUCH PROJECT.

WHEREAS, the Arizona Housing Finance Authority (the "Authority"), is a body corporate and politic of the State of Arizona, empowered under Title 41, Chapter 39, Article 1, Arizona Revised Statutes, as amended (the "Act"), to issue its bonds for the purposes set forth in the Act, including the making of secured and unsecured loans for the purpose of financing a "housing facility" (as defined in the Act) whenever the Board of Directors of the Authority finds such loans to be in the public interest; and

WHEREAS, the term "housing facility" includes within its meaning any "multifamily residential rental projects in rural areas" as defined in Title 35, Chapter 7, Arizona Revised Statutes, as amended; and the City of San Luis, Arizona (the "City") is a "rural area" within the meaning of such statutes; and

WHEREAS, the Act requires the Authority to notify the City (by first class mail, return receipt requested, receipt of which was acknowledged by Alex Ruiz, Administrator of the City) that a multifamily residential rental project (the "Project") is planned for its jurisdiction and, before proceeding, the Authority must request and obtain the written consent of the Mayor and Council of the City to the Project; and

WHEREAS, the Mayor and Council of the City, through the adoption of Resolution No. 541 on November 12, 2003, have consented to the Project; and

WHEREAS, Evos Homes Inc., a California corporation, on behalf of itself or its affiliate or nominee, including a yet to be formed Arizona limited liability company or limited partnership (the "Applicant"), has submitted a revised multifamily housing revenue bond application (the "Application") to the Authority requesting that the Authority issue one or more series of its Multifamily Housing Revenue Bonds (Orgullo del Sol Apartments Project), Series 2004 (the "Bonds"), in an increased aggregate principal amount not to exceed \$16,000,000, and loan the proceeds thereof to the Applicant to finance the construction of a 220-unit multifamily residential rental project known as Orgullo del Sol Apartments to be

located on the southwest corner of County Road 22 and 4th Street in the City (the "Project"); and

WHEREAS, the Authority held the public hearing after reasonable public notice as required by Section 147(f) of the Internal Revenue Code of 1986, as amended, on April 13, 2004, and no comments were received in connection therewith; and

WHEREAS, the Authority, by a resolution duly adopted by the Board of Directors of the Authority at a lawful meeting called and held on April 13, 2004, granted final approval to the issuance and sale of the Bonds in principal aggregate amount not to exceed \$16,000,000; and

WHEREAS, approval of the increased amount of Bonds is not made in consideration of any bribe, gift, gratuity, or direct or indirect contribution to any political campaign; and

WHEREAS, this Council has had presented to it information regarding the Project and the Bonds and is informed and advised regarding the Project and the Bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SAN LUIS, ARIZONA, as follows:

SECTION I. AMENDMENT TO CITY RESOLUTION NO. 541. All references within City Resolution No. 541 to the term "\$14,500,000" shall be amended to read "\$16,000,000".

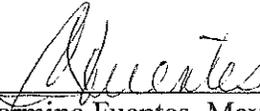
SECTION II. RATIFICATION. The foregoing amendment to Resolution No. 541 is the sole amendment to Resolution No. 541 and the balance of such resolution shall remain in full force and effect and is hereby ratified and confirmed

SECTION III. CERTIFICATION. It is hereby CERTIFIED under penalty of perjury that the approval of the increased amount of the Bonds is not made in consideration of any bribe, gift, gratuity, or direct or indirect contribution to any political campaign.

SECTION IV. CANCELLATION OF CONTRACT. Notice of Arizona Revised Statutes Section 38-511 is hereby given. The provisions of said statute are by this reference incorporated herein to the extent of their applicability to matters contained herein under the laws of the State of Arizona.

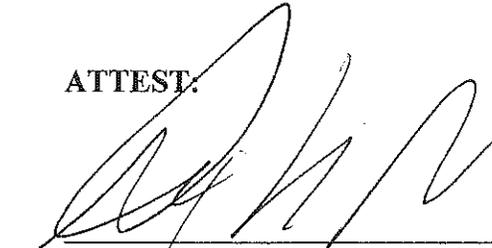
PASSED AND ADOPTED by the Council of the City of San Luis, this

20th day of April 2004.



Guillermina Fuentes, Mayor

ATTEST:



Alex U. Ruiz, City Administrator

APPROVED AS TO FORM:



Gerald W. Hunt, City Attorney