



# City of Chicago



O2017-1456

Office of the City Clerk

## Document Tracking Sheet

<b>Meeting Date:</b>	2/22/2017
<b>Sponsor(s):</b>	Emanuel (Mayor)
<b>Type:</b>	Ordinance
<b>Title:</b>	Bond Inducement language for housing revenue bonds for Mark Twain 111 West Division
<b>Committee(s) Assignment:</b>	Committee on Finance

## ORDINANCE

**WHEREAS**, the City of Chicago (the "**City**"), a home rule unit of government under Section 6(a), Article VII of the 1970 Constitution of the State of Illinois, has heretofore found and does hereby find that there exists within the City a serious shortage of decent, safe and sanitary rental housing available for persons of low and moderate income; and

**WHEREAS**, the City has determined that the continuance of a shortage of affordable rental housing is harmful to the health, prosperity, economic stability and general welfare of the City; and

**WHEREAS**, New Mark Twain, LLC, an Illinois limited liability company whose sole member is The NHP Foundation, a District of Columbia not-for-profit corporation (the "**Developer**"), is the owner of certain property located generally at 111 West Division Street in Chicago and currently known as the Mark Twain Hotel (the "**Project Site**"); and

**WHEREAS**, the Developer has proposed a certain low-income housing development project on the Project Site consisting of the rehabilitation of one residential building and of approximately 148 residential dwelling units therein (the rehabilitation and equipping of the real estate and the building and other improvements thereon, including the residential dwelling units and associated areas in the building shall be known as the "**Project**"); and

**WHEREAS**, the Developer has requested that the City issue multi-family housing revenue bonds, notes or other indebtedness in an amount not to exceed \$40,000,000 (the "**Bonds**") for the purpose of financing all or a portion of the Project costs; and

**WHEREAS**, it is intended that the interest on the Bonds will be excluded from gross income for federal income tax purposes; and

**WHEREAS**, it is intended that this ordinance shall constitute a declaration of intent to reimburse certain eligible expenditures for the Project made prior to the issuance of the Bonds ("**Eligible Project Costs**") from the proceeds of the Bonds (if and when issued) within the meaning of Section 1.150-2 of the Treasury Regulations promulgated under the Internal Revenue Code of 1986, as amended (the "**Treasury Regulations**");

**WHEREAS**, the City reasonably expects, but is not obligated, to issue the Bonds; now, therefore,

### BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO:

**SECTION 1.** The above recitals are expressly incorporated in and made a part of this ordinance as though fully set forth herein.

**SECTION 2.** The City reasonably expects to issue the Bonds and lend all or a portion of the proceeds thereof ("**Bond Proceeds**") to the Developer, or to another

entity affiliated with, related to, or with overlapping ownership interests in the Developer (in either case, the "**Borrower**"), for the purpose of financing all or a portion of the Project costs. The maximum principal amount of Bonds which the City reasonably expects to issue for the Project will not exceed \$40,000,000.

**SECTION 3.** Certain Eligible Project Costs will be incurred by the Borrower in connection with the Project prior to the issuance of the Bonds. The City reasonably expects to reimburse such Eligible Project Costs with Bond Proceeds.

**SECTION 4.** The Eligible Project Costs to be reimbursed with Bond Proceeds will be paid initially from funds of the Borrower.

**SECTION 5.** This ordinance is consistent with the budgetary and financial circumstances of the City. No funds from sources other than Bond Proceeds are, or are reasonably expected to be, reserved, allocated on a long-term basis or otherwise set aside by the City for the Project for costs to be paid from Bond Proceeds.

**SECTION 6.** This ordinance constitutes a declaration of official intent under Section 1.150-2 of the Treasury Regulations.

**SECTION 7.** To the extent that any ordinance, resolution, rule, order or provision of the Municipal Code of Chicago, or part thereof, is in conflict with the provisions of this ordinance, the provisions of this ordinance shall control. If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any of the other provisions of this ordinance.

**SECTION 8.** This ordinance shall be effective as of the date of its passage and approval.



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OFFICE OF THE MAYOR  
CITY OF CHICAGO

RAHM EMANUEL  
MAYOR

February 22, 2017

TO THE HONORABLE, THE CITY COUNCIL  
OF THE CITY OF CHICAGO

Ladies and Gentlemen:

At the request of the Commissioner of Planning and Development, I transmit herewith an ordinance authorizing bond inducement language for Mark Twain 111 West Division.

Your favorable consideration of this ordinance will be appreciated.

Very truly yours,

Mayor

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CHICAGO March 29, 2017

**To the President and Members of the City Council:**

**Your Committee on Finance having had under consideration**

An ordinance evidencing the City's intent to issue City of Chicago Multi-Family Housing Revenue Bonds (Mark Twain Hotel Project).

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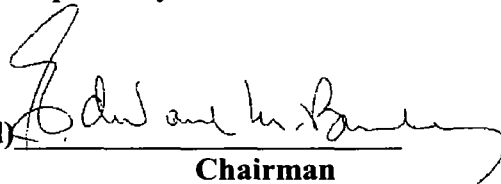
Amount of Bonds  
Not to exceed: \$40,000,000

**Having had the same under advisement, begs leave to report and recommend that your Honorable Body pass the proposed Ordinance Transmitted Herewith**

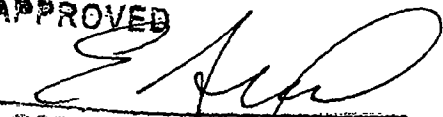
**This recommendation was concurred in by \_\_\_\_\_ (a viva voce vote of members of the committee with \_\_\_\_\_ dissenting vote(s)).**

**Respectfully submitted**

(signed)

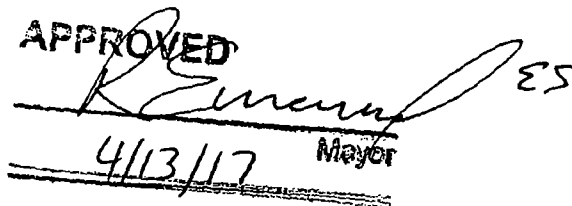
  
Chairman

APPROVED



CORPORATION COUNSEL

APPROVED



4/13/17

Mayor