

CITY of ALBUQUERQUE

TWENTY-FOURTH COUNCIL

COUNCIL BILL NO. F/S R-20-82 ENACTMENT NO. R-2020-084

SPONSORED BY: COUNCILOR HARRIS

1 **RESOLUTION**

2 **MAKING FINDINGS IN CONNECTION WITH THE JUAN TABO HILLS ESTATES**
3 **PUBLIC IMPROVEMENT DISTRICT'S RESOLUTION AUTHORIZING THE**
4 **ISSUANCE AND SALE OF SPECIAL LEVY REVENUE BONDS; RATIFYING AND**
5 **APPROVING THE ISSUANCE AND SALE OF THE JUAN TABO HILLS ESTATES**
6 **PUBLIC IMPROVEMENT DISTRICT SPECIAL LEVY REVENUE BONDS, SERIES**
7 **2020, AS SUBSTANTIALLY CONSISTENT WITH THE REQUIREMENTS OF CITY**
8 **ORDINANCE ENACTMENT NO. 0-2003-12 AND CITY COUNCIL RESOLUTION**
9 **ENACTMENT NO. R-2017-098.**

10 Capitalized terms in the following preambles shall have the meanings assigned in
11 City Council Resolution Enactment No. R-2017-098 adopted on October 16, 2017 (the
12 "Formation Resolution") except as otherwise defined in this Resolution, or unless the
13 context clearly requires otherwise.

14 WHEREAS, pursuant to the Act and Ordinance Enactment No. O-2003-12 (the
15 "PID Ordinance"), the Council enacted the Formation Resolution, in which the Council
16 approved the formation of the Juan Tabo Hills Estates Public Improvement District for
17 the purpose of financing public infrastructure improvements; and

18 WHEREAS, pursuant to the Formation Resolution, the Council approved the
19 Development Agreement between the Petitioner, the City and the Juan Tabo Hills
20 Estates Public Improvement District, by which the District has undertaken to finance
21 various Infrastructure Improvements to serve approximately 85 gross acres located
22 wholly within the corporate boundaries of the City (the "Land"), which is an authorized

1 purpose and appropriate use of a public improvement district as set forth in the Act and
2 the PID Ordinance; and

3 WHEREAS, pursuant to the Formation Resolution, the City approved: (i) the
4 Development Agreement; (ii) the General Plan; (iii) the Feasibility Study; (iv) the Rate
5 and Method; and (v) a form of Notice of Special Levy (the "Notice of Special Levy" and,
6 together with the Development Agreement, General Plan, Feasibility Study, and Rate
7 and Method, the "Formation Documents"); and

8 WHEREAS, the Formation Resolution authorized the Board of Directors of the
9 District (the "Board"), among other things, to: (i) pay a portion of the costs of the District,
10 including administrative and formation costs, and acquire and finance certain public
11 infrastructure improvements benefitting the District, as described in the Feasibility Study
12 (the "Project"); (ii) impose the District Special Levy upon the Land; and (iii) fund the
13 acquisition of all or a portion of the Project from proceeds of one or more series of
14 special levy revenue bonds to be issued by the District and payable by the imposition of
15 the District Special Levy; and

16 WHEREAS, the Feasibility Study describes the public infrastructure
17 improvements benefitting the District and subject to potential reimbursement by the
18 District as off-site traffic signal and flood control improvements and on-site road,
19 sanitary sewer, water, and drainage improvements with an estimated total cost of
20 \$9,310,137; and

21 WHEREAS, of those total costs, the construction of the off-site flood control
22 improvements consisting of a scour wall adjacent to the Tijeras Arroyo was projected at
23 \$2,000,000; and

24 WHEREAS, the District has been advised that the Applicant's project engineer
25 certified that the actual cost of constructing the scour wall adjacent to the Tijeras Arroyo
26 was \$4,452,014.10, which along with other actual Project costs resulted in a total cost
27 for all public infrastructure improvements benefitting the District of \$11,576,869.69; and

28 WHEREAS, these public infrastructure costs are in addition to the approximately
29 \$8,464,200 of private infrastructure costs including site grading; dry utilities such as

1 electric, gas, telephone, and cable; retaining walls; privately owned and maintained
2 local parks and common areas; and associated soft costs; and

3 WHEREAS, the Formation Resolution provided that the maximum aggregate
4 principal amount of special levy revenue bonds to be issued by the District is
5 \$7,500,000, based on an average coupon rate of 6.00% at the time of adoption of the
6 Formation Resolution; and

7 WHEREAS, based on present, lower interest rates and consistent with Section IX
8 of the General Plan, the District has determined that it is appropriate to increase the
9 maximum amount of special levy revenue bonds authorized to be issued subject to
10 satisfying the applicable requirements in the PID Ordinance and the Formation
11 Resolution; and

12 WHEREAS, on May 28, 2020 the New Mexico Finance Authority Board of
13 Directors approved the purchase of District special levy revenue bonds in the amount of
14 up to \$9,476,755; and

15 WHEREAS, pursuant to Resolution No. 2020-02 adopted by the Board on May
16 29, 2020, as amended by Resolution No. 2020-08 adopted by the Board on August 17
17 (together with Resolution No. 2020-02 the "Bond Resolution"), 2020, the Board has
18 authorized, subject to first obtaining any required City approval, the issuance of a series
19 of bonds to be denominated the Juan Tabo Hills Estates Public Improvement District
20 Special Levy Revenue Bonds, Series 2020 (the "Series 2020 Bonds") in an original
21 aggregate principal amount not to exceed \$9,500,000 to provide funds for the Project
22 and any and all of the public infrastructure purposes provided for in the PID Ordinance
23 and the Formation Documents, all to the benefit of the District and its residents; and

24 WHEREAS, the District has caused to be placed on file with the City copies of
25 the Bond Resolution along with the transaction documents authorized by that resolution;
26 and

27 WHEREAS, the City Council has considered the Bond Resolution in connection
28 with the requirements for the District's issuance of the Series 2020 Bonds set forth in
29 the PID Ordinance and the Formation Resolution.

1 BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY
2 OF ALBUQUERQUE:

3 Section 1. Findings. The City hereby declares that it has considered the Bond
4 Resolution and all other relevant information and finds as follows:

5 A. The Bond Resolution authorizes the issuance of the Series 2020
6 Bonds in an aggregate amount not to exceed \$9,500,000, at a maximum annual interest
7 rate not to exceed ten (10) percent per annum, which rate and other details of the
8 Series 2020 Bonds will be specifically determined by the District and approved in a Sale
9 Certificate (as defined in District Resolution No. 2020-02).

10 B. The Series 2020 Bonds will be issued for the purpose of financing
11 the costs of the Project and paying costs of issuance for the Series 2020 Bonds, which
12 purposes are authorized by the PID Ordinance and is consistent with the Formation
13 Resolution, the Development Agreement, and the Bond Resolution.

14 C. The Bond Resolution provides that the Series 2020 Bonds will be
15 the obligations solely of the District, and will not be backed by the faith, credit, general
16 funds or resources of the City in any manner. Owners of the Series 2020 Bonds will
17 have no right to require that the City or the District impose ad valorem property taxes to
18 pay District Bonds, including but not limited to, the Series 2020 Bonds.

19 D. The City's Debt Committee has reviewed and approved the
20 District's proposed Series 2020 Bonds on August 5, 2020.

21 E. The Bond Resolution provides for the following parameters:

22 (i) The maximum principal amount of the Series 2020 Bonds
23 shall not exceed \$9,500,000.

24 (ii) The Series 2020 Bonds may be marketed to the public or
25 sold in a private placement.

26 (iii) The maximum net effective interest rate on the Series 2020
27 Bonds shall not exceed 10% per annum.

28 (iv) The Series 2020 Bonds shall be dated as of the date of
29 delivery of the Series 2020 Bonds.

1 (v) The Series 2020 Bonds shall be issued only as fully
2 registered bonds in minimum denominations of at least \$5,000, subject to book-entry
3 only system of registration.

4 (vi) The Series 2020 Bonds shall be numbered consecutively
5 from one upwards or as otherwise requested by the Purchaser.

6 (vii) The Series 2020 Bonds may mature in serial or term
7 maturities with the last such maturity no later than thirty (30) years after their date of
8 issuance.

9 (viii) The Series 2020 Bonds shall be subject to optional
10 redemption, special optional redemption and mandatory redemption as shall be set forth
11 in the Indenture.

12 (ix) Prior to selling the Series 2020 Bonds, any required approval
13 by the City shall first have been obtained.

14 Section 2. Ratification and Approval of Issuance and Sale of Series 2020
15 Bonds. Pursuant to the Bond Resolution based upon the findings set forth in Section 1
16 of this Resolution, the issuance and sale of Series 2020 Bonds as set forth in the Bond
17 Resolution adopted by the City Council's designees sitting as the District Board, are
18 hereby authorized and approved. Section 5(A) of the Formation Resolution is hereby
19 amended to provide that the maximum aggregate principal amount of the District Bonds
20 shall not exceed \$9,500,000. The City Council hereby authorizes amendment of the
21 Development Agreement and any other Formation Documents, and recording of the
22 same, if appropriate, to provide that the maximum aggregate principal amount of the
23 District Bonds shall not exceed \$9,500,000.

24 Section 3. Repealer. All ordinances or resolutions, or parts thereof in conflict
25 with the provisions of this Resolution, are hereby repealed to the extent only of such
26 inconsistency. This repealer shall not be construed to revive any ordinance or
27 resolution, or part thereof, heretofore repealed.

28 Section 4. Severability. If any section, paragraph, clause or provision of this
29 Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or

unenforceability of such section, paragraph, clause or provision shall in no manner affect any remaining provisions of this Resolution.

Section 5. Publication of Notice of Adoption of Resolution. The Clerk is hereby directed to publish a notice of this Resolution, in substantially the following form:

Notice is hereby given of the title and general summary of the subject matter contained in a resolution duly adopted and approved by the City Council of the City of Albuquerque, New Mexico relating to ratification and approval of the issuance and sale of the Juan Tabo Hills Estates Public Improvement District Special Levy Revenue Bonds, Series 2020. Complete copies of the resolution are available for public inspection during the regular business hours of the City Clerk, City of Albuquerque, New Mexico.

The title of the Resolution is as follows:

RESOLUTION

MAKING FINDINGS IN CONNECTION WITH THE JUAN TABO HILLS ESTATES PUBLIC IMPROVEMENT DISTRICT'S RESOLUTION AUTHORIZING THE ISSUANCE AND SALE OF SPECIAL LEVY REVENUE BONDS; RATIFYING AND APPROVING THE ISSUANCE AND SALE OF THE JUAN TABO HILLS ESTATES PUBLIC IMPROVEMENT DISTRICT SPECIAL LEVY REVENUE BONDS, SERIES 2020, AS SUBSTANTIALLY CONSISTENT WITH THE REQUIREMENTS OF CITY ORDINANCE ENACTMENT NO. 0-2003-12 AND CITY COUNCIL RESOLUTION ENACTMENT NO. R-2017-098.

A summary of the subject matter of the Resolution is contained in its title.

(End of Form of Summary of Resolution for Publication)

1 PASSED AND ADOPTED THIS 17th DAY OF August, 2020
2 BY A VOTE OF: 8 FOR 0 AGAINST.

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4 Excused: Harris

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10 Patrick Davis, President
11 City Council

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14 APPROVED THIS 25 DAY OF August, 2020

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17 Bill No. F/S R-20-82

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23 Timothy M. Keller, Mayor
24 City of Albuquerque

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28 ATTEST:

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31 Ethan Watson, City Clerk