

Bill No. 3755-08

No. 05-08-RE

## A RESOLUTION

Approving a Project for the benefit of Point Park University (the "University") to be financed by the Allegheny County Higher Education Building Authority by the issuance of the Authority's tax-exempt or taxable bonds, to be issued in one or more series, in the aggregate principal amount not in excess of \$35,000,000, provided that the taxing power of the County of Allegheny, Pennsylvania, shall not be obligated in any way with respect to the Bonds (hereinafter defined), and determining that the purpose of the financing will be to benefit the health and welfare of the citizens of Allegheny County, Pennsylvania.

**Whereas**, the University, a nonprofit corporation organized under the laws of the Commonwealth of Pennsylvania, desires to undertake a project consisting of financing, through the issuance of one or more series of tax-exempt or taxable bonds in an aggregate principal amount not expected to exceed \$35,000,000 (the "Bonds") by the Allegheny County Higher Education Building Authority (the "Authority"); and

**Whereas**, the Project ("Project") shall consist of all or any portions (as determined by the University) of the following:

- (a) acquisition and renovation of 312, 322 and 330 Boulevard of the Allies and adjacent properties, the renovation of the Lawrence Hall lobby, and certain other capital expenditures for University purposes; and
- (b) refinancing of \$4,000,000 of debt previously incurred for a portion of such costs; and
- (c) obtaining credit support and/or liquidity support, if necessary; and
- (d) financing of certain costs of issuing the Bonds; and
- (e) funding a debt service reserve and/or capitalized interest, if necessary (collectively, the "Project"); and

**Whereas**, the Authority was created by the County of Allegheny, Pennsylvania (the "County") under the Municipality Authorities Act, as amended (the "Act"), and is authorized under the Act to issue its bonds for the purposes aforesaid, and the Authority has determined that the public interest will be served and that the purposes of the Act can be furthered by the Authority's issuance of bonds in order to obtain funds to loan to the University for the foregoing purposes; and

**Whereas**, Section 5607(b)(2)(iv) of the Act provides, among other things, that school building projects and facilities to be leased to or financed with loans to private, nonprofit, nonsectarian secondary schools, colleges and universities, state-related universities and community colleges serving the public, such as the University, may be financed by an authority created under the Act, if the municipality organizing such authority declares by resolution or ordinance that it is desirable for the health, safety and welfare of the people in the area served by such projects and facilities to have such projects and facilities provided by, or financed through, such authority; and

**Whereas**, the location of the facilities included in the Project are at various addresses throughout Allegheny County all of which are owned by the University; and

**Whereas**, the following resolutions are also adopted to give effect to the provisions of the Municipality Authorities Act, Act No. 22 of 2001, as amended by Act No. 110 of 2001, 53 Pa.C.S. Section 5601 et seq., including without limitation Section 5607(a)(15) thereof; and

**Whereas**, neither the Bonds nor the approval granted hereby shall obligate taxing power of the County of Allegheny in any way, and shall be limited obligations of the Authority, payable solely from the revenues pledged by the Authority for such payment.

***The Council of the County of Allegheny hereby resolves as follows:***

***Section 1. Incorporation of Preamble.***

The provisions set forth in the preamble to this Resolution are incorporated by reference in their entity herein.

***Section 2. Approval of Project and Bonds.***

For the purposes set forth in the Recitals, and subject to the limitations set forth in the last Recital stated above, the County of Allegheny, Pennsylvania, acting by and through its County Council, hereby declares that it is desirable for the health, safety and welfare of the people of the County of Allegheny to have the Project financed through the Authority.

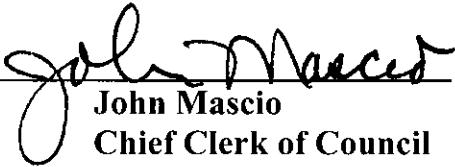
***Section 3. Severability. If any provision of this Resolution shall be determined to be unlawful, invalid, void or unenforceable, then that provision shall be considered severable from the remaining provisions of this Resolution which shall be in full force and effect.***

***Section 4. Repealer. Any resolution or ordinance or part thereof conflicting with the provisions of this Resolution is hereby repealed so far as the same affects this Resolution.***

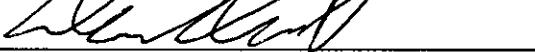
Enacted in Council, this 4<sup>th</sup> day of MARCH, 2008,

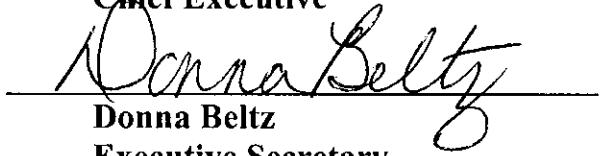
Council Agenda No. 3755-08

  
Rich Fitzgerald  
President of Council

Attest:   
John Mascio  
Chief Clerk of Council

Chief Executive Office  MARCH 13, 2008

Approved:   
Dan Onorato  
Chief Executive

Attest:   
Donna Beltz  
Executive Secretary

SUMMARY OF LEGISLATION  
POINT PARK UNIVERSITY  
SUBMITTED FOR COUNCIL MEETING FEBRUARY 19, 2008

On behalf of Point Park University (the "University"), the Allegheny County Higher Education Building Authority (the "Authority") intends to issue Bonds, in an amount not to exceed \$35,000,000 (the "Bonds").

The Bonds finance the costs of the following:

- (a) acquisition and renovation of 312, 322 and 330 Boulevard of the Allies and adjacent properties, the renovation of the Lawrence Hall lobby, and certain other capital expenditures for University purposes;
- (b) refinancing of \$4,000,000 of debt previously incurred for a portion of such costs;
- (c) obtaining credit support and/or liquidity support, if necessary; and
- (d) financing of certain costs of issuing the Bonds.

Additionally, the proceeds will fund any necessary reserves and pay all or a portion of the costs of issuance, including the costs of obtaining credit enhancement for the Bonds.

As is typical with these transactions issued through the Higher Education Building Authority, the Bonds are limited obligations, of the Authority, payable solely from the project or from revenue from the University.

**M E M O R A N D U M**

**OFFICE OF THE COUNTY MANAGER**

TO: John Mascio  
Chief Clerk ALLEGHENY COUNTY COUNCIL

FROM: James M. Flynn, Jr. *Jf* '08 FEB 14 AM10:07

DATE: February 14, 2008

RE: Proposed Resolution

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Attached is a Resolution Approving a Project for the benefit of Point Park University (the "University") to be financed by the Allegheny County Higher Education Building Authority by the issuance of the Authority's tax-exempt or taxable bonds, to be issued in one or more series, in the aggregate principal amount not in excess of \$35,000,000, provided that the taxing power of the County of Allegheny, Pennsylvania, shall not be obligated in any way with respect to the Bonds (hereinafter defined), and determining that the purpose of the financing will be to benefit the health and welfare of the citizens of Allegheny County, Pennsylvania.

The Allegheny County Law Department has reviewed this legislation prior to submitting it to Council.

Please place this on the next agenda for County Council approval.

Thank you.