



Allegheny County Council

County of Allegheny
436 Grant Street
Pittsburgh, PA 15219
Phone (412) 350-6490
Fax (412) 350-6499

Legislation Text

File #: 10169-17, **Version:** 1

A Resolution approving a Project for the benefit of Robert Morris University, a nonprofit corporation organized under the laws of the Commonwealth of Pennsylvania (the "*University*") to be financed by the Allegheny County Higher Education Building Authority by the issuance of the Authority's federally taxable or tax-exempt bonds, to be issued in one or more series, in the aggregate principal amount not expected to exceed \$35,000,000, provided that the taxing power of the County of Allegheny, Pennsylvania (the "*County*"), 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 Allegheny County Higher Education Building Authority (the "*Authority*") was created by the County under the Municipality Authorities Act, approved June 19, 2001, P.L. 287, No. 22, as amended (the "*Act*"), of the Commonwealth of Pennsylvania; and

Whereas, the Authority has been requested by the University to issue one or more series of its tax-exempt revenue bonds and taxable revenue bonds to be designated "Allegheny County Higher Education Building Authority University Revenue Bonds, Series of 2017 (Robert Morris University)" or such other designations as the Authority deems appropriate (the "*Bonds*") in an aggregate principal amount not expected to exceed \$35,000,000 to provide long-term financing of: (a) constructing, equipping, and furnishing of an expanded Event Center to be located on the current site of the Sewall Center; (b) miscellaneous capital expenditures to be incurred at the Main Campus of the University; (c) miscellaneous capital expenditures to be incurred at Yorktown Hall student housing facility; and (d) all or a portion of the costs of such financing, including the cost of credit enhancement and/or the issuance of the Bonds (as hereinafter defined) (collectively, the "*Project*"); 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 Authority 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 fulfilled 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 following resolution is 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 the taxing power of the County in any way and the Bonds shall be limited obligations of the Authority, payable solely from revenues pledged for payment therefor.

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

SECTION 1. Incorporation of the Preamble.

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

SECTION 2. Terms Defined.

Terms used in the Recitals to these Resolutions are herein used as therein defined.

SECTION 3. 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:

- A. It is hereby declared that it is desirable for the health, safety, and welfare of the people in the County and areas served by the Project's facilities to have the Project facilities financed through the Authority; and
- B. The Project, including the Project building and facilities, and the financing of the Project through the issuance of the Bonds are hereby approved and such approval shall not in any way obligate the taxing power of the County.

SECTION 4. 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 5. 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.