

Council of the City of York, PA  
Session 2014  
Resolution No.

INTRODUCED BY: **Carol Hill-Evans**

DATE: **April 1, 2014**

**A RESOLUTION**

OF THE CITY COUNCIL OF THE CITY OF YORK, YORK COUNTY, PENNSYLVANIA, APPROVING A PROJECT TO BE UNDERTAKEN BY CITY OF YORK GENERAL AUTHORITY FOR THE BENEFIT OF LUTHERAN SOCIAL SERVICES OF SOUTH CENTRAL PENNSYLVANIA, A NONPROFIT CORPORATION, AND DECLARING THAT IT IS DESIRABLE FOR THE HEALTH, SAFETY AND WELFARE OF THE PEOPLE IN THE AREA SERVED BY THE FACILITIES BEING FINANCED AS PART OF SUCH PROJECT TO HAVE SUCH FACILITIES PROVIDED BY OR FINANCED THROUGH SUCH AUTHORITY.

**WHEREAS**, This City, by appropriate action, heretofore duly authorized the incorporation of a municipality authority under the Pennsylvania Municipality Authorities Act of 1945, approved May 2, 1945, P.L. 382, as amended and supplemented, now 53 Pa. C.S. Chapter 56 (the “Act”), known as “City of York General Authority” (the “Authority”); and

**WHEREAS**, The Authority issues obligations from time to time to finance hospital and health center projects pursuant to provisions of the Act and intends that interest paid on certain of such obligations be qualified for exemption from federal income taxation under provisions of the Internal Revenue Code of 1986, as amended (the “Code”); and

**WHEREAS**, Lutheran Social Services of South Central Pennsylvania (the “Corporation”), a corporation not-for-profit organized and existing under Pennsylvania laws with its headquarters and principal place of business in York County, Pennsylvania, has requested that the Authority provide financing for a project that is described on Exhibit A, which is attached hereto and hereby made a part hereof (the “Project”); and

**WHEREAS**, The Authority has expressed its willingness to provide financing for the Project by the issuance of a note of the Authority in principal amount not exceeding \$10,000,000 (the “Note”), the interest on some or all of which will be qualified for exemption from Federal income taxes under the Internal Revenue Code of 1986, as amended; and

**WHEREAS**, The Authority has requested that the City Council of this City, in accordance with the requirement of 53 Pa. C.S. §5607(b)(2)(iv), declare that it is desirable for the health, safety and welfare of the people in the area or areas served by the facilities to be financed or refinanced as part of the Project to have such facilities provided by or financed through the Authority.

**NOW, THEREFORE, BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF YORK, AS FOLLOWS:**

1. The City Council of this City hereby declares that it is desirable for the health, safety, and welfare of the people in the area or areas served by the facilities to be financed or refinanced as part of the Project to have such facilities provided by or financed through the Authority.

2. The City Council of this City hereby declares that paragraph 1 of this Resolution is adopted for the purposes of satisfying the requirements of 53 Pa. C.S. §5607(b)(2)(iv) and so that the following limitations contained in or provided for in the Act shall not apply or shall be satisfied, as applicable and appropriate:

a. prohibiting the exercise of the powers granted under the Act in the construction, improvement, financing, maintenance, extension or operation of any project which, in whole or in part, shall duplicate or compete with existing enterprises serving substantially the same purposes, and

b. permitting the City to specify the project or projects to be undertaken by the Authority.

3. This Resolution is adopted solely for purposes expressly set forth in paragraph 2 and shall not obligate the taxing authority of the City of York or be construed to obligate the City of York in any other fashion with respect to the Authority or the Project.

4. All resolutions or parts of resolutions, insofar as such shall be inconsistent herewith, shall be and the same expressly are repealed.

**DULY ADOPTED** this \_\_\_\_ day of April, 2014, by the City Council in lawful session duly assembled.

PASSED FINALLY:

BY THE FOLLOWING VOTE:

YEAS: \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

NAYS: \_\_\_\_\_.

\_\_\_\_\_  
Carol Hill-Evans, President of Council

ATTEST:

\_\_\_\_\_  
Dianna L. Thompson-Mitchell, City Clerk

## **EXHIBIT A**

The project to be financed by the issuance of a note of the City of York General Authority consists of acquiring, constructing, equipping and furnishing alterations, renovations, additions and other improvements the residential living facilities known as “The Village at Sprenkle Drive,” located at 1802 Folkemer Circle, York, Pennsylvania, including the addition of a one-story, approximately 45,000 square feet addition that will contain 32 new assisted living units and 24 new memory support assisted living units, a to be owned and operated by Lutheran Social Services of South Central Pennsylvania, a nonprofit corporation. Proceeds of the note will also be applied to payment of all or a portion of the costs and expenses of the financing.

## **CERTIFICATE**

I, the undersigned, City Clerk of the City of York, York County, Pennsylvania (the “City”), certify that: the foregoing is a true and correct copy of a Resolution which was duly adopted by affirmative vote of a majority of the members of the Council of the City at a meeting held on March 8, 2011; and said Resolution has not been amended, altered or repealed as of the date of this Certificate.

I further certify that the Council of the City met the advance notice requirements of the Sunshine Act, 65 Pa. C.S. Ch. 7, by advertising said meeting, by posting prominently a notice of said meeting at the public building in which said meeting was held, and by providing a reasonable opportunity for public comment prior to adoption of said Resolution, all in accordance with such Act.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the City, this 8<sup>th</sup> day of March, 2011.

(SEAL)

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City Clerk