

3-10-05
#5

RESOLUTION NO. 05

WHEREAS, on February 16, 1984, the City of Austin consented to the creation of River Place Municipal Utility District ("District") and authorized the execution of the Agreement Concerning Creation and Operation of River Place Municipal Utility District (as amended, the "Consent Agreement") in Ordinance No. 840216-F; and

WHEREAS, in accordance with the terms of the Consent Agreement, the District previously issued its Unlimited Tax and Revenue Bonds, Series 1995, in the original principal amount of \$4,000,000 (the "Series 1995 Bonds") and its Combination Unlimited Tax and Revenue Bonds, Series 2000, in the original principal amount of \$4,650,000 (the "Series 2000 Bonds"); and

WHEREAS, the District has requested that the City Council consent to the issuance of bonds by the District for the purpose of refunding certain outstanding Series 1995 Bonds maturing on and after September 1, 2006 and certain outstanding Series 2000 Bonds maturing on and after September 1, 2008 (collectively, the "Refunded Bonds"), such maturity years to be determined by the pricing agent pursuant to the provisions of the District's resolution authorizing the issuance of its Unlimited Tax and Revenue Refunding Bonds, Series 2005; and

WHEREAS, the District has represented to the City that (1) the Refunded Bonds will be refunded only if the District realizes a net present value savings of at least 4.25%, (2) the Refunded Bonds will be called for

redemption prior to their scheduled maturities on September 1, 2005 in the case of the Series 1995 Bonds and on September 1, 2007 in the case of the Series 2000 Bonds and (3) the District is in all material respects in compliance with the terms and conditions of the Consent Agreement; **NOW, THEREFORE,**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

The City Council approves the District's issuance of its Unlimited Tax and Revenue Refunding Bonds, Series 2005, in an amount not to exceed \$6,050,000 ("Refunding Bonds"), and the substantial draft of the District Bond Resolution Authorizing Issuance of River Place Municipal Utility District Unlimited Tax and Revenue Refunding Bonds, Series 2005 and the substantial draft of the Preliminary Official Statement for the Series 2005 Refunding Bonds attached as Exhibits A and B and incorporated by reference, subject to final review and approval of the final offering documents by the director of the City's Department of Financial and Administrative Services;

BE IT FURTHER RESOLVED:

The Council's approval is effective only to the extent that (1) the principal amount of the Refunding Bonds does not exceed \$6,050,000; (2) the Refunding Bonds produces a minimum net present value savings of 4.25%; (3) the District secures the debt service payment on the bonds by obtaining a municipal bond insurance policy from a nationally recognized company that in the regular course of its business issues insurance policies to guarantee the

payment of debt service on bonds; (4) the amortization of debt service on the Refunding Bonds is on a level payment basis; (5) the final maturity of the Refunding Bonds does not extend beyond the term of the Refunded Bonds; and (6) the City's financial advisor confirms to the City that the requirements set forth in clauses (1) through (5) above have been satisfied.

BE IT FURTHER RESOLVED:

The City Manager may take such steps as are necessary to carry out the intent of this resolution and shall obtain from the District all final resolutions, agreements and other instruments necessary to confirm that the conditions for the issuance of the Refunding Bonds by the District set forth immediately above have been satisfied.

ADOPTED: _____, 2005 **ATTEST:** _____
Shirley A. Brown
City Clerk

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