

**City of Auburn, New York**

**AGREEMENT RESOLUTION #34 OF 2017**

**AUTHORIZING THE EXECUTION OF PAYMENT IN LIEU OF TAX (“PILOT”) AGREEMENTS BY AND AMONG THE CITY OF AUBURN, MELONE VILLAGE I HOUSING DEVELOPMENT FUND COMPANY, INC. AND MELONE VILLAGE I LIMITED PARTNERSHIP; AND THE CITY OF AUBURN, MELONE VILLAGE II HOUSING DEVELOPMENT FUND COMPANY, INC. AND MELONE VILLAGE II LIMITED PARTNERSHIP**

By: \_\_\_\_\_

March 2, 2017

**WHEREAS**, the City Council of the City of Auburn (the “City”), by Agreement Resolution #103 of 2016, resolved to exempt certain real property (the “Property”) currently owned by the Auburn Housing Authority (“Housing Authority”) and improved by a 188-unit affordable housing complex commonly known as Melone Village (the “Project”) from real property taxes to the extent authorized by Section 577 of the Private Housing Finance Law of the State of New York (“PHFL”) upon the conveyance of such Property by the Housing Authority to a to-be-formed New York not-for-profit corporation created as a housing development fund company under Article XI of the PHFL (“HFDC”), as to record ownership, and a to-be-formed New York limited partnership (“Partnership”), as to beneficial ownership, for the purpose of rehabilitating the Project; and

**WHEREAS**, the City Council further resolved, by Agreement Resolution #103 of 2016, that the Mayor of the City is authorized to enter into a PILOT Agreement with respect to the Property providing for annual payments in lieu of taxes to be paid to the City as set forth in the PILOT Agreement presented to the Council for approval; and

**WHEREAS**, the Housing Authority has determined that it is necessary to rehabilitate the Project in two phases and, therefore, it is requested that the City enter into two separate PILOT Agreements with respect to the Property; one for Melone Village I located at 91-93 Garrow Street (Section 122.27, Block 1, Lot 13), and one for Melone Village II located at 20 Thornton Avenue (Section 122.35, Block 1, Lot 2); and

**WHEREAS**, Melone Village I and Melone Village II shall each constitute a “housing project” as defined in the PHFL; and

**WHEREAS**, fee title to each of Melone Village I and Melone Village II shall be transferred to an HFDC that is a “housing development fund company” as the term is defined in Section 572 of the PHFL, and Section 577 of the PHFL authorizes the City Council to exempt each of Melone Village I and Melone Village II from real property taxes; and

**NOW, THEREFORE, BE IT RESOLVED** that the City Council hereby confirms that the Project, as divided into Melone Village I and Melone Village II, shall be exempt from real property taxes to the extent authorized by Section 577 of the PHFL and approves the proposed PILOT Agreements for Melone Village I and Melone Village II in substantially the forms

presented at this meeting, providing for annual payments as set forth in such agreements; and it is

**FURTHER RESOLVED**, that the Mayor of the City of Auburn is hereby authorized, on behalf of the City of Auburn, to execute and deliver the foregoing PILOT Agreements, each at such time as the HDfC and the Partnership shall hold nominal and beneficial title, respectively, to the real property which is the subject of such agreement is formed; and it is

**FURTHER RESOLVED**, that this resolution shall take effect immediately.

Seconded by: \_\_\_\_\_

	Ayes	Noes
Councilor McCormick		
Councilor Giannettino		
Councilor Cuddy		
Councilor Carabajal		
Mayor Quill		
Carried and Adopted		