

**TOWN OF FRISCO
COUNTY OF SUMMIT
STATE OF COLORADO
ORDINANCE 23 – 14**

AN ORDINANCE CONCERNING THE DEVELOPMENT OF TWO AFFORDABLE RENTAL HOUSING PROJECTS, AND IN CONNECTION THEREWITH, AUTHORIZING (I) A LONG TERM GROUND LEASE OF CERTAIN REAL PROPERTY OWNED BY THE TOWN AND KNOWN AS 602 GALENA STREET, AND (II) A LOAN BY THE TOWN TO THE DEVELOPER TO AID IN THE ACQUISITION OF CERTAIN OTHER REAL PROPERTY KNOWN AS 101 WEST MAIN STREET, ALL IN ACCORDANCE WITH THE DEVELOPMENT AGREEMENT BETWEEN THE TOWN OF FRISCO AND THE NHP FOUNDATION, DATED AS OF MAY 23, 2023.

WHEREAS, the Town of Frisco is a municipal corporation and political subdivision duly organized and existing under the constitution and laws of the state of Colorado and its home rule charter; and

WHEREAS, The NHP Foundation, a District of Columbia nonprofit corporation, (the “Developer”) is a corporation that specializes in the planning, financing, construction and operation of for-rent affordable housing projects; and

WHEREAS, the Town owns certain real property (the “Town Property”) that is commonly known as 602 Galena Street, Frisco, Colorado and that is legally described in Exhibit A to that certain Development Agreement Between the Town of Frisco and the NHP Foundation, dated as of May 23, 2023, that is attached to this Ordinance (the “Development Agreement”); and

WHEREAS, the Town intends that the Town Property be used to develop affordable housing and for other incidental purposes in compliance with an intergovernmental agreement between the Town and the State of Colorado, and with an intergovernmental agreement between the Town and Summit County; and

WHEREAS, Colorado Revised Statutes § 31-15-713(c) authorizes the Town to lease real property, by ordinance when the lease term is greater than one year, upon such terms and conditions as the Town Council may determine at a regular or special meeting; and

WHEREAS, the Developer desires to plan, entitle, finance, and construct and operate affordable housing and other incidental improvements on the Town Property; and

WHEREAS, the Town intends to grant a long-term ground lease over the Town Property to the Developer to facilitate the development of affordable housing thereon; and

WHEREAS, the Developer is under contract to purchase certain other real property that is commonly known as 101 West Main Street, Frisco, Colorado, and that is legally described in Exhibit B to the Development Agreement (the “Developer Property”); and

WHEREAS, Developer intends to plan, entitle, acquire, finance, and construct and operate affordable housing improvements on and own the Developer Property, and Developer has requested that the Town make a loan of \$2,500,000.00 to assist Developer in its acquisition of the Developer Property; and

WHEREAS, Developer intends to submit an application to the Colorado Housing and Finance Authority (“CHFA”) for an allocation of 9% federal low-income housing tax credits (“LIHTC”) under Section 42 of the Internal Revenue Code of 1986 with respect to the Town Property, and an application to CHFA for an allocation of Colorado tax-exempt bonding authority and 4% federal LIHTC along with an allocation of Colorado state housing tax credits for Developer Property; and

WHEREAS, because the demand for workforce housing in the Town greatly exceeds the supply, the Town Council hereby determines that it is in the public interest and is a public purpose for the Town to grant a long-term ground lease over the Town Property to the Developer, and to loan money to the Developer to aid in the acquisition of the Developer Property, all in accordance with the Development Agreement that is attached to this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FRISCO, COLORADO:

Section 1. Approval of Development Agreement. The attached DEVELOPMENT AGREEMENT BETWEEN THE TOWN OF FRISCO AND THE NHP FOUNDATION, Dated as of May 23, 2023, is in all respects approved, authorized, and confirmed, and the Mayor of the Town is hereby authorized and directed for and on behalf of the Town to execute and deliver the agreement in the form attached hereto and, further, the Mayor, the Town Manager, the Finance Director, and other appropriate officials or employees of the Town are hereby authorized to execute and deliver for and on behalf of the Town any and all certificates, documents, instruments, and other papers and to perform all other acts that they deem necessary or appropriate, in order to implement and carry out the transactions and other matters authorized by this ordinance and the attached agreement. The Town Clerk is hereby authorized and directed to attest all signatures and acts of any official of the Town, if so required by any documents in connection with the matters authorized by this ordinance and the attached agreement.

Section 2. Repealer. All bylaws, orders, resolutions and ordinances of the Town, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any other such bylaw, order, resolution or ordinance of the Town, or part thereof, heretofore repealed.

Section 3. Severability. If any section, subsection, paragraph, clause, or other provision of this ordinance for any reason is held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause, or other provision shall not affect any of the remaining provisions of this ordinance, the intent being that the same are severable

Section 4. Effective Date. In accordance with Section 3-8 of the Charter, this ordinance will take effect five days after final publication.

INTRODUCED, PASSED ON FIRST READING AND PUBLICATION IN FULL AND
POSTING BY TITLE ORDERED ON THE ____ DAY OF _____, 2023.

ADOPTED ON SECOND READING AND PUBLICATION BY TITLE ORDERED ON
THE ____ DAY OF _____, 2023.

TOWN OF FRISCO, COLORADO

Mayor Hunter Mortensen

(SEAL)

ATTEST:

Stacey Nell, Town Clerk