

RESOLUTION No.- \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FRESNO AUTHORIZING THE RELEASE OF FACILITIES AND AMENDMENT OF THE FACILITIES LEASE AND FACILITIES SUBLEASE RELATING TO THE FRESNO JOINT POWERS FINANCING AUTHORITY LEASE REVENUE REFUNDING BONDS (VARIOUS CAPITAL PROJECTS), SERIES 2004 AND APPROVING THE TAKING OF ALL NECESSARY OR DESIRABLE ACTIONS IN CONNECTION THEREWITH

WHEREAS, the City of Fresno is a charter city organized and validly existing under the Constitution of the State of California (the City); and

WHEREAS, the Fresno Joint Powers Financing Authority (the Authority) is a joint exercise of powers entity created pursuant to a Joint Exercise of Powers Agreement, dated as of October 25, 1998, as amended, between the City and the Redevelopment Agency of the City; and

WHEREAS, the Authority and the City entered into a Facilities Lease (No. 2004-2) (the Facility Lease) and a Facility Sublease (No. 2004-2) (the Sublease), each dated as of April 1, 2004 (collectively, the Leases) in connection with the issuance of the Authority's Lease Revenue Refunding Bonds (Various Capital Projects), Series 2004 (the Bonds); and

WHEREAS, the Bonds were issued pursuant to that certain Trust Agreement (the Trust Agreement), dated as of April 1, 2004, between the Authority and The Bank of New York Mellon Trust Company, N.A., as trustee (the Trustee) for the Bonds; and

WHEREAS, Section 2.03 of the Sublease provides that Facilities may be substituted in accordance with the requirements of the Leases and the City and the

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval: 

Resolution No. \_\_\_\_\_

Authority desire to withdraw the Promenade Parking Lot from the Leases pursuant to an Amendment to Facility Lease and Amendment to Facility Sublease (the Lease Amendments), each by and between the City and the Authority; and

WHEREAS, the Lease Amendments will also make certain amendments to the Leases; and

WHEREAS, the City has full legal right, power and authority under the laws of the State of California to enter into the agreements hereinafter authorized; and

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Fresno as follows:

1. The foregoing recitals are true and correct and this City Council hereby so finds and determines.

2. The proposed forms of the Amendment to Facilities Lease and the Amendment to Facilities Sublease, by and between the City and the Authority, on file with the City Clerk, and delivered to Council, are hereby approved. The Mayor, City Manager, or Controller (the Authorized Officers), jointly and severally, or any such officer's designee, are each hereby authorized and directed, on behalf of the City, to execute and deliver the Amendment to Facilities Lease and Amendment to Facilities Sublease in substantially said forms with such changes therein as such officer may require or approve, subject to review by the City Attorney's Office, such approval to be conclusively evidenced by the execution and delivery thereof.

3. The Authorized Officers, each acting alone, are hereby authorized and directed to do any and all things and to execute and deliver any and all documents which they may deem necessary or advisable in order to carry out, give effect to and

comply with the terms and intent of this resolution, including without limitation the execution and delivery of termination agreements, releases and certificates required in connection with the Lease Amendments. Such actions heretofore taken by such officers are hereby ratified, confirmed and approved.

4. This Resolution shall take effect upon its adoption.

\*\*\*\*\*

STATE OF CALIFORNIA )  
COUNTY OF FRESNO )  
CITY OF FRESNO )

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the City of Fresno, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

AYES :  
NOES :  
ABSENT :  
ABSTAIN :

YVONNE SPENCE, MMC CRM  
City Clerk

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

APPROVED AS TO FORM:  
DOUGLAS T. SLOAN  
City Attorney

By: \_\_\_\_\_  
RAJ S. BADHESHA                      Date  
Senior Deputy City Attorney