

RESOLUTION NO. 12937-16**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT NEWS, VIRGINIA,
FOR THE CHRISTOPHER NEWPORT UNIVERSITY EDUCATION FOUNDATION, INC.**

WHEREAS, the City Council of the City of Newport News, Virginia (the "Council"), has been advised that there has been described to the Industrial Development Authority of the City of Newport News, Virginia (the "Authority"), the plan of the Christopher Newport University Education Foundation (the "Foundation"), whose principal place of business is located at 1 Avenue of the Arts, Newport News, Virginia 23606, for the modification by the Economic Development Authority of James City County, Virginia (the "James City County EDA"), of its \$8,000,000 Revenue Bond (Christopher Newport University Project) Series 2001 (the "Bond"), to extend the final maturity of the Bond for an additional period of ten (10) years and to adjust its interest rate from a floating rate to a fixed rate; and

WHEREAS, the proceeds of the Bond were used to assist the Foundation in (a) the acquisition of properties for student housing, parking and other facilities associated with Christopher Newport University (the "Project") located within the City of Newport News, Virginia (the "City") (the current addresses of such properties are 12304 Warwick Boulevard, 12368 Warwick Boulevard (formerly known as 12346, 12352, 12366 and 12372 Warwick Boulevard), 12386 Warwick Boulevard, 39 Sweetbriar Drive, 411 University Place, and 414 University Place), (b) financing the cost of issuing the Bond, and (c) financing the costs of furnishings and other costs associated with the development of the properties; and

WHEREAS, the Authority and the Council approved the modification and reissuance of the Bond in 2011; and

WHEREAS, the Council has been advised that the Foundation, in its appearance before the Authority, (a) described the continued educational and other benefits to the City and the County of James City, Virginia, derived from the Project, (b) requested that the Authority recommend to the Council that it approve the issuance of the Amended and Restated Bond, a form of which has been presented to this meeting (the "Amended Bond"), as required by the Internal Revenue Code of 1986, as amended (the "Code"); and

WHEREAS, the Council has been advised that public hearings were held by the Authority and the James City County EDA with respect to the modification of the Bond, as required by Section 15.2-4906 of the Virginia Industrial Development and Revenue Bond Act, Chapter 49, Title 15.2, Code of Virginia of 1950, as amended ("the Act") and by Section 147(f) of the Code, and that after its hearing the Authority (a) found and determined that the modification of the Bond will benefit the inhabitants of the City and the Commonwealth of Virginia and promote their education, welfare, convenience and prosperity, and (b) recommended that the Council approve the issuance of the Amended Bond as required by the Code; and

WHEREAS, a copy of the Authority's resolution, the James City County EDA's resolution

approving the modification of the Bond, a reasonably detailed summary of the comments expressed at the public hearing held by the Authority with respect to the modification of the Bond and a statement in the form prescribed by Section 15.2-4907 of the Act have been filed with the Council.

NOW, THEREFORE, BE IT RESOLVED by City Council of the City of Newport News, Virginia:

1. That the Council approves the modification of the Bond by the James City County EDA to the extent required by the Code.

2. That the approval of the modification of the Bond to the extent required by the Code, does not constitute an endorsement to any owner of the Bond or of the creditworthiness of the Foundation or any other person, and the Bond shall continue to provide that neither the City nor the Authority shall be obligated to pay the Bond or the interest thereon or other costs incident thereto except from the revenues and moneys pledged therefore and neither the faith or credit nor the taxing power of the Commonwealth of Virginia, the City nor the Authority shall be pledged thereto.

3. That this resolution shall be in effect on and after the date of its adoption, June 28, 2016.

PASSED BY THE COUNCIL OF THE CITY OF NEWPORT NEWS ON JUNE 28, 2016

Mabel Washington Jenkins, MMC
City Clerk

McKinley L. Price, DDS
Mayor

A true copy, teste:

City Clerk