

STATE OF COLORADO)

COUNTY OF LARIMER)

SS.

TOWN OF BERTHOUD)

The Board of Trustees (the "Board") of the Town of Berthoud, Colorado, met in regular session on March 12, 1985, at 7:30 P. m., at 328 Massachusetts, in Berthoud, Colorado, in full conformity with the law and the resolutions and rules of the Town of Berthoud. Upon roll call, the following were found to be present, constituting a quorum:

Present:

Mayor:

Other Members of the Board:

Fellows

H. Chris Yurk

Donna Davis

F. R. Douthit

Lloyd Conder

Tom Patterson

Fred Peterson

Absent:

constituting all the members of the Board.

There were also present:

Town Clerk:

Orahbelle Patterson

Town Attorney:

Thereupon, the following proceedings, among others, were had and taken.

Mayor Fellows introduced a resolution, the text of which is as follows:

RESOLUTION AUTHORIZING THE TRANSFER TO LARIMER COUNTY, COLORADO OF THE ALLOCATION OF THE TOWN OF BERTHOUD, COLORADO UNDER FEDERAL AND STATE LAW TO FINANCE MORTGAGE LOANS TO PROVIDE MORE ADEQUATE RESIDENTIAL HOUSING FACILITIES FOR LOW- AND MIDDLE-INCOME FAMILIES AND PERSONS WITHIN LARIMER COUNTY AND WITHIN THE TOWN OF BERTHOUD; AND AUTHORIZING THE EXECUTION AND DELIVERY BY THE TOWN OF BERTHOUD OF ALLOCATION TRANSFER AGREEMENTS.

WHEREAS, the Town of Berthoud, Colorado (the "Town") and Larimer County, Colorado (the "County") are each authorized by the County and Municipality Development Revenue Bond Act, constituting Article 3 of Title 29, Colorado Revised Statutes (the "Project Act"), to issue revenue bonds for the purpose of financing mortgage loans to provide more adequate residential housing facilities for low- and middle-income families and persons (the "Single Family Revenue Bonds"); and

WHEREAS, Section 103A of the Internal Revenue Code of 1954 (the "Code") restricts the amount of tax exempt obligations which may be issued by the Colorado Housing Finance Authority (the "Authority") and local governmental units in the State of Colorado (the "State") to finance single-family mortgages to an amount not exceeding the State Ceiling as defined in the Code (the "State Ceiling"); and

WHEREAS, the Code specifies an allocation formula to be used to determine allocations of the State Ceiling amount among the Authority and local governmental units, which formula, for the local governmental units, is based on historical mortgage lending activity in each such local governmental unit; and

WHEREAS, pursuant to the Code, the State had provided for a formula for allocation of the State Ceiling among the governmental units in the State in a manner different from the federal allocation formula, in Part 8 of Article 4 of Title 29 of Colorado Revised Statutes until such act was repealed, effective January 1, 1985; and

WHEREAS, House Bill 1108 (the "Allocation Act"), currently pending in the State legislature, provides a new allocation formula of the State Ceiling in a manner different from the federal allocation formula and it is anticipated that House Bill 1108 will become effective sometime this year; and

WHEREAS, where there are governmental units in the State with overlapping jurisdictions, the Code authorizes the governmental unit with jurisdiction over the smallest geographical area to allocate all or a part of such overlapping area to the governmental unit having jurisdiction of the next smallest geographical area and otherwise authorized to issue bonds to finance single-family mortgages and to accept transfers of such allocations; and

WHEREAS, the Town desires to allocate all of the area within its jurisdiction to Larimer County for the year 1985 for Larimer County's use in determining its allocation under the Code or all of its anticipated allocation amount under the Allocation Act for Larimer County's use in determining its total allocation under the Allocation Act for the purpose of financing mortgage loans to provide more adequate residential housing facilities for low- and middle-income families and persons within Larimer County and the Town;

WHEREAS, it is necessary to evidence such transfer of area pursuant to the Code and the acceptance of such transfer by the Federal Allocation Transfer Agreement (the "Federal Allocation Transfer Agreement") presented to the Board of Trustees (the "Board") at this meeting which will be executed and delivered by the Town and Larimer County; and

WHEREAS, it may be necessary to evidence such transfer of allocation pursuant to the Allocation Act and the acceptance of such transfer by the State Allocation Transfer Agreement (the "State Allocation Transfer Agreement") presented to the Board at this meeting, which will be executed and delivered by the Town and Larimer County in the event that the Allocation Act becomes effective before Larimer County issues its Single Family Revenue Bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF BERTHOUD, COLORADO:

Section 1. The forms, terms and provisions of the Federal Allocation Transfer Agreement hereby are approved and the Mayor of the Town and the Town Clerk hereby are authorized and directed to execute and deliver the Federal Allocation Transfer Agreement.

Section 2. The forms, terms and provisions of the State Allocation Transfer Agreement hereby are approved and the Mayor of the Town and the Town Clerk hereby are authorized and directed to execute and deliver the State Allocation Transfer Agreement in the event that the Allocation Act becomes effective before Larimer County issues its Single Family Revenue Bonds.

Section 3. The Mayor and the Town Clerk hereby are authorized and directed to take such other steps or actions as may be required to carry out the terms and intent of this resolution, the Federal Allocation Transfer Agreement and the State Allocation Transfer Agreement.

Section 4. Nothing contained in this resolution, in the Federal Allocation Transfer Agreement or in the State Allocation Transfer Agreement shall obligate the Town, except to the extent described in the Federal Allocation Transfer Agreement and in the State Allocation Transfer Agreement, nor constitute the debt or

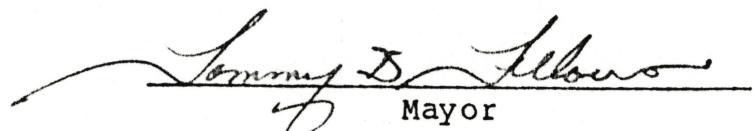
indebtedness of the Town within the meaning of the Constitution or statutes of the State or the home rule charter of any political subdivision thereof, nor give rise to a pecuniary liability of the Town or a charge against its general credit or taxing powers.

Section 5. If any section, paragraph, clause or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this resolution.

Section 6. All action (not inconsistent with the provisions of this resolution) heretofore taken by the Board and the officers of the Town directed toward the authorization of the Federal Allocation Transfer Agreement and the State Allocation Transfer Agreement hereby is ratified, approved and confirmed.

Section 7. This resolution shall be in full force and effect upon its passage and approval.

PASSED, ADOPTED AND APPROVED this 12th day of MARCH,
1985.


Tommy D. Tolson
Mayor

(SEAL)

Attest:


Rosabelle Patterson
Town Clerk

A motion to adopt the foregoing resolution was then duly made by Trustee Yurk and duly seconded by Trustee Davis.

The question being upon the passage and adoption of the resolution, the roll was called with the following result:

Those Voting Aye:

Mayor Tommy Fellows
Trustee Lloyd Conder
Trustee Dorina Davis
Trustee F.R. Douthit
Trustee H. Chris Yurk

Those Voting Nay:

Trustee Fred Peterson
Trustee Tom Patterson

Those Absent:

Thereupon, the presiding officer declared the motion carried and the resolution duly passed and adopted.

After other action or business not related to the foregoing resolution, on motion duly made, seconded and adopted, the meeting thereupon adjourned.

(SEAL)

STATE OF COLORADO)
COUNTY OF LARIMER) SS.
TOWN OF BERTHOUD)

I, Orahelle Patterson, the duly qualified and acting Town Clerk of the Town of Berthoud, Colorado (the "Town"), in the State of Colorado, do hereby certify:

1. The foregoing pages numbered -1- to -5-, inclusive, are a true, perfect and complete copy of the record of proceedings of the Board of Trustees of the Town (the "Board") had and taken at a lawful meeting of the Board held at Council Chambers, 328 Massachusetts Ave., in Berthoud, Colorado on March 12, 1985 at 7:30 p.m., as recorded in the regular official book of the proceedings of the Town kept in my office so far as the proceedings relate to the resolution therein set forth, the proceedings were duly had and taken as therein shown, the meeting therein shown was duly held, and the persons therein named were present at the meeting as therein shown.

2. All members of the Board were duly notified of the meeting, pursuant to law.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Town this 13 day of March, 1985.

Orahelle Patterson
Town Clerk

(SEAL)

Whereupon, the following record of the proceedings, was had and taken:

Major fellow
which is as follows: