

COUNCIL OF THE DISTRICT OF COLUMBIA

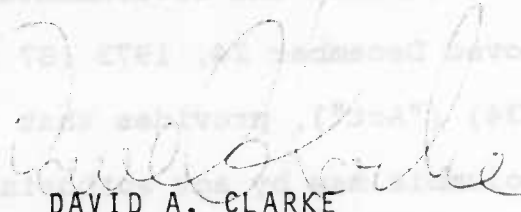
NOTICE

D.C. LAW 6-86

"The Forrest Marbury House Project Revenue  
Bond Act of 1985".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 6-316 on first and second readings, November 19, 1985, and December 3, 1985, respectively. Following the signature of the Mayor on December 4, 1985, this legislation was assigned Act No. 6-112, published in the December 20, 1985, edition of the D.C. Register, (Vol. 32 page 7453) and transmitted to Congress on December 4, 1985 for a 30-day review, in accordance with Section 602 (c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 6-86, effective February 21, 1986.

  
DAVID A. CLARKE  
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

December	4,5,6,9,10,11,12,13,16,17,18,19,20
January	21,22,23,24,27,28,29,30,31
February	3,4,5,6,7,18,19,20

D.C. LAW 6 - 86

AN ACT

EFFECTIVE FEB 21 1986

D.C. ACT 6 - 112

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DEC 04 1985

To authorize the issuance of revenue bonds of the District of Columbia for the purpose of making a loan to Forrest Marbury House Associates Limited Partnership to assist in the financing of the acquisition, reconstruction, construction, equipping, improving, or renovation of property located at a site commonly known as 3350-3360 M Street, N.W., Washington, D.C.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

That this act may be cited as "The Forrest Marbury House Project Revenue Bond Act of 1985".

Sec. 2. Findings.

The Council of the District of Columbia ("Council") finds that:

(a) Section 490 of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 777; D.C. Code, sec. 47-334) ("Act"), provides that the Council for the District of Columbia may by act authorize the issuance of revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance, to refinance, or to assist in the financing or refinancing of undertakings in the areas of housing, health facilities, transit and utility facilities, recreational facilities, college and university facilities, college and

Note,  
D.C. Code,  
sec. 47-334  
(1986 supp.)

university programs which provide loans for the payment of educational expenses for or on behalf of students, pollution control facilities, and industrial and commercial development. The Act further provides that a financing or refinancing may be effected by loans made directly or indirectly to any individual or legal entity, by the purchase of any mortgage, note, or other security, or by the purchase, lease, or sale of any property.

(b) Section 485 of the Act provides that bonds and notes issued by the Council and the interest on these bonds and notes shall be exempt from all federal and District taxation, except estate, inheritance, and gift taxes. Section 103(a) of the Internal Revenue Code of 1954, approved August 16, 1954 (68A Stat. 3; 26 U.S.C. sec. 1), provides for the exemption from federal income taxation of the interest on obligations issued by the District of Columbia.

(c) The District of Columbia ("District") and Forrest Marbury House Associates Limited Partnership ("Borrower"), a District of Columbia limited partnership, propose to enter into a loan agreement providing for the financing by the District of the acquisition, reconstruction, construction, restoring, equipping, improving, and/or renovation of certain property located at a site consisting of approximately 45,700 square feet commonly known as 3350-3360 M Street, N.W., Washington, D.C., which shall consist of a commercial office building to be operated by the Borrower with related parking facilities as more fully described in

the loan agreement, and the District's and the Borrower's agreement would finance other sums to be expended in connection with this development ("project") as stated in the loan agreement and authorized in this act.

(d) To induce the Borrower to undertake the project, the Council adopted the Forrest Marbury House Project Revenue Bond Resolution of 1985.

(e) The instruments attached to this act provide for the issuance of revenue bonds of the District, the proceeds of which will be loaned to the Borrower and used to finance the project. The revenue bonds shall be secured by an assignment by the District for the benefit of the bondholders of certain of its rights under the loan agreement and other instruments related to the issuance of the revenue bonds, including the District's security interest in certain collateral.

(f) The project is an undertaking in the area of industrial and commercial development under section 490 of the Act.

(g) The District is authorized and empowered by the Act to issue revenue bonds to finance the project as described in the loan agreement.

(h) The financing of the project with proceeds from District revenue bonds pursuant to the loan agreement is permitted under section 490 of the Act.

(i) It is desirable, in the public interest, and will promote the purpose and intent of section 490 of the Act for the District to finance the project upon the terms and

conditions stated in the loan agreement.

Sec. 3. The District may issue and sell revenue bonds to be designated the "District of Columbia Industrial Development Revenue Bonds (Forrest Marbury House Project - Series 1985)" ("Bonds") in substantially the form appended to this act and in a total principal amount not to exceed \$6,000,000, pursuant to section 490 of the Act.

Sec. 4. (a) The Council approves the instruments related to the Bonds and attached to this act, and approves the instruments related to the Bonds, as executed by the Mayor of the District of Columbia ("Mayor"), which instruments shall be in substantially the form and substance of the instruments attached to this act with changes and insertions that are not inconsistent with this act and not adverse to the District and which the Mayor approves. The attached instruments state, among other provisions, the form, terms, provisions, manner, and method of issuing and selling the Bonds and the rights and remedies of the holder of the Bonds.

(b) The Council approves the form and substance of the Bonds attached to this act, and approves the Bonds as executed by the Mayor which shall be in substantially the form and substance attached to this act with changes and insertions that are not inconsistent with this act and not adverse to the District and which the Mayor approves. That approval shall be conclusively evidenced by the Mayor's execution and delivery of the Bonds or related instruments.

Sec. 5. (a) The District may issue, execute, sell, and

deliver the Bonds in an aggregate principal amount of not more than \$6,000,000 in the form approved by this act and pursuant to section 490 of the Act, the loan agreement, and the instruments attached to this act.

(b) The Bonds issued pursuant to this act shall be issued, executed, sold, and delivered at the time the Mayor determines, and shall bear interest at the rates and shall be issued according to the terms and conditions stated in the Bonds and the instruments attached to this act.

(c) The Bonds shall be issued solely for the purpose of providing funds to finance those costs of the project and costs of issuance of the Bonds as provided in the loan agreement and as approved by this act.

(d) The Bonds shall not be a general obligation of the District and shall not be a pledge of, or involve the faith and credit or the taxing power of the District, and shall not constitute a debt of the District nor a lending of the public credit for private undertakings as contained in section 602(a)(2) of the Act.

(e)(1) Notwithstanding any provision in the Bonds or the instruments to the contrary, the Bonds shall be a special obligation of the District.

(2) Nothing in the Bonds or the related instruments shall create an obligation on the part of the District to make any payment except from the revenues and other payments derived pursuant to the loan agreement and the instruments related to the Bonds.

Sec. 6. The Mayor may, on behalf of the District,

execute and deliver the Bonds and the related instruments, affix the seal of the District on them, and attest to them, all in substantially the forms attached to this act, and the Mayor may do so with the changes and the insertions permitted by this act and approved by the Mayor.

Sec. 7. (a) The Mayor may, on behalf of the District, perform the functions specified in this act and in the related instruments.

(b) The Mayor and other officers, employees, and agents of the District may, on behalf of the District, perform the following:

(1) Take all actions provided for by the Bonds or the related instruments and other actions needed in the opinion of the Mayor to fulfill the purposes of this act;

(2) Prepare, execute, and deliver the additional certificates, instruments, and documents, including official statements of the District relating to the Bonds; and

(3) Direct the payment of necessary and reasonable fees, charges, and expenses provided in the documents for issuing the Bonds and for financing the project from the proceeds of the Bonds.

Sec. 8. Nothing contained in this act, the Bonds, or the related instruments shall be construed as committing or obligating the District to authorize or to issue bonds in excess of \$6,000,000 to finance the project or to issue any bonds other than to finance the project, and the Borrower shall have no claims for damages or for any other equitable or legal relief against the District, its officers, its

agents, or its employees as a consequence of a failure to authorize and/or issue bonds in excess of \$6,000,000 to finance the project or to finance a transaction other than the project.

Sec. 9. The bonds shall not be issued until the Mayor receives, at the time of delivery, an approving opinion from nationally recognized bond counsel and co-bond counsel as to the validity of the Bonds and the exemption of the interest on the Bonds from federal and District income taxation. (d)

Sec. 10. The Mayor shall deliver the Bonds with copies of the opinions referred to in section 9 attached to the Bonds.

Sec. 11. Within 3 days after the Mayor's receipt of the transcript of the proceedings relating to the issuance of the Bonds, the Mayor shall transmit a copy of the transcript to the Chairman of the Council.

Sec. 12. If any provision of this act or the application of this act to any person or circumstance is held to be unconstitutional or beyond the statutory authority of the Council of the District of Columbia, or otherwise invalid, the invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provisions or application, and to this end the provisions of this act are declared to be severable.

Sec. 13. This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the



Council of the District of Columbia to override the veto) as  
provided in section 602(c)(1) of the District of Columbia  
Self-Government and Governmental Reorganization Act,  
approved December 24, 1973 (87 Stat. 813; D.C. Code, sec.  
1-233(c)(1)).

Chairman  
Council of the District of Columbia

Mayor  
District of Columbia  
APPROVED: December 4, 1985

