

**MULTI-FAMILY HOUSING TWELVE-YEAR LIMITED PROPERTY
TAX EXEMPTION AGREEMENT**

THIS AGREEMENT is entered into this day, _____, by and between with AS10X20 LLC, hereinafter referred to as the "Applicant," and the CITY OF TACOMA, a first-class- charter city hereinafter referred to as the "City."

WITNESSETH:

WHEREAS the City has an interest in stimulating new construction or rehabilitation of multi-family housing in Residential Target Areas in order to reduce development pressure on single-family residential neighborhoods, increase and improve housing opportunities, and encourage development densities supportive of transit use, and

WHEREAS the City has, pursuant to the authority granted to it by Chapter 84.14 of the Revised Code of Washington, designated various Residential Target Areas for the provision of a twelve-year limited property tax exemption for new multifamily residential housing, and

WHEREAS the City has, through Ordinance No. 25789, enacted a program whereby property owners may qualify for a Final Certificate of Tax Exemption which certifies to the Pierce County Assessor-Treasurer that the owner is eligible to receive a limited property tax exemption, and

WHEREAS the Applicant is interested in receiving a twelve-year limited property tax exemption to develop the project attached in exhibit A, and

WHEREAS the project will include 20% of units as affordable. The affordable units will be rented to households whose income is at or below 70% of Pierce County AMI, adjusted for household size, and as determined by HUD on an annual basis. Rent is based on the number of bedrooms in each unit and will be capped at 30% of those income levels, adjusted annually, and are published by the City each year. The land and any commercial portions of the project will continue to produce tax revenues, and

WHEREAS the Applicant has submitted to the City preliminary site plans and floor plans for multi-family residential housing to be created on said property and described more on attached Exhibit A, and

WHEREAS the City has determined that the improvements will, if completed as proposed, satisfy the requirements for a twelve-year Final Certificate of Tax Exemption;

NOW, THEREFORE, the City and the Applicant do mutually agree as follows:

1. The City agrees to issue the Applicant a Conditional Certificate of Acceptance of Tax Exemption.

2. The Applicant agrees to construct on the Site described in Exhibit A, a multi-family residential housing substantially as described in Exhibit A and in the application for Property Tax Exemption on file with the City as of the date of City Council approval of this Agreement. In no event shall such construction provide fewer than four new multi-family permanent residential units nor shall it provide fewer than half of its total residential units as permanent housing.

3. The Applicant agrees that 20% of total units will qualify as affordable units. The affordable units will be rented to households whose income is at or below 70% of Pierce County AMI, adjusted for household size, and as determined by HUD on an annual basis. Rent is based on the number of bedrooms in each unit and will be capped at 30% of those income levels, adjusted annually, and are published by the City each year.

4. The Applicant agrees to complete construction of the agreed upon improvements within three years from the date the City issues the Conditional Certificate of Acceptance of Tax Exemption, or within any extension thereof granted by the City.

5. The Applicant agrees, upon completion of the improvements and upon issuance by the City of a temporary or permanent certificate of occupancy, to file with the City's Community and Economic Development Department the following:

- (a) a statement of expenditures made with respect to each multi-family housing unit and the total expenditures made with respect to the entire property;
- (b) a description of the completed work including unit type, size and rent and a statement of qualification for the exemption; and
- (c) a statement that the work was completed within the required three year period or any authorized extension.

6. The City agrees, conditioned on the Applicant's successful completion of the improvements in accordance with the terms of this Agreement and on the Applicant's filing of the materials described in Paragraph 4 above, to file a twelve-year Final Certificate of Tax Exemption with the Pierce County Assessor-Treasurer.

7. The Applicant agrees to file annually with the City's Community and Economic Development Department required documents indicating the following:

- (a) a statement of occupancy and vacancy of the multi-family units during the previous year;
- (b) income and rental rates data required to show that the property continues to be in compliance with this Agreement; and,
- (c) a description of any subsequent improvements or changes to the property.

8. If the Applicant converts to another use any of the new multi-family residential housing units constructed under this Agreement, the Applicant shall notify the Pierce County Assessor-Treasurer and the City's Department of Community and Economic Development within 60 days of such change in use.

9. The Applicant agrees to notify the City promptly of any transfer of Applicant's ownership interest in the Site or in the improvements made to the Site under this Agreement.

10. The Applicant agrees to provide tenant relocation assistance in an amount equal to one month's rent to each tenant living in an affordable unit at the expiration of the 12-year exemption. The amount must be provided within the final month of the qualified tenant's lease. To be eligible for tenant relocation assistance under this requirement, the tenant must occupy an income-restricted unit at the time the exemption expires and must qualify as a low-income household under this chapter at the time relocation assistance is sought.

11. The Applicant agrees to keep the property in a nuisance free condition during both the temporary and final tax exemption periods.

12. The City reserves the right to cancel the twelve-year Final Certificate of Tax Exemption should the Applicant, its successors and assigns, fail to comply with any of the terms and conditions of this Agreement.

13. No modifications of this Agreement shall be made unless mutually agreed upon by the parties in writing.

14. In the event that any term or clause of this Agreement conflicts with applicable law, such conflict shall not affect other terms of this Agreement which can be given effect without the conflicting term or clause, and to this end, the terms of this Agreement are declared to be severable.

15. This Agreement governs the property tax exemption for this property only and is not to be construed as approval of, or providing authority for, any other requirement under state or local law, including but not limited to building permits or variances.

IN WITNESS WHEREOF the parties hereto have executed this Agreement as of the day and year first above written.

CITY OF TACOMA

AS10X20 LLC

By: _____

Elizabeth Pauli
City Manager

Countersigned:

Jeff Robinson, Director
Community & Economic Development Dept.

Andrew Cherullo, Finance Department Director

Attest:

Doris Sorum, City Clerk

Approved as to Form:

Deputy City Attorney

EXHIBIT A

Project Description:

Address: 3243, 3247, 3251 South Thompson Avenue

Tax Parcel: 5275000090, 5275000100, 5275000110

Number of units	Type of Unit	Average Size	Expected Rental Rate
<i>Market Rate</i>			
68	One Bedroom, One Bath	415	\$1600
28	Two Bedroom, One Bath	590	\$1800
<i>Regulated Rate</i>			
17	One Bedroom, One Bath	415	\$1576 (including utility allowance)
7	Two Bedroom, One Bath	590	\$1773 (including utility allowance)

The affordable units will be rented to households whose income is at or below 70% of Pierce County AMI, adjusted for household size, as determined by HUD on an annual basis. Rent will be capped at 30% of those income levels, adjusted annually. The project will include 47 parking stalls.

Legal Description:

APN 527500-0090 (3243 S. THOMPSON AVENUE)
LOTS 11 AND 12, BLOCK 2, LINCOLN PARK ADDITION TO TACOMA,
WASHINGTON, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 7
OF PLATS, PAGE 111, RECORDS OF PIERCE COUNTY, WASHINGTON;
TOGETHER WITH THE WESTERLY HALF OF ALLEY ADJOINING, VACATED BY
ORDINANCE NO. 14569 OF THE CITY OF TACOMA, RECORDED UNDER
RECORDING NO. 1632335;
EXCEPT THAT PORTION THEREOF CONVEYED TO THE CITY OF TACOMA FOR
THOMPSON AVENUE, BY DEED DATED MARCH 14, 1951 AND RECORDED APRIL
5, 1951 UNDER AUDITOR'S FEE NO. 1589999, RECORDS OF SAID COUNTY.
SITUATE IN THE CITY OF TACOMA, COUNTY OF PIERCE, STATE OF
WASHINGTON.

APN 527500-0100 (3247 S. THOMPSON AVENUE)

Property Tax Exemption- 3247 South Thompson Avenue

LOTS 13 AND 14, BLOCK 2, LINCOLN PARK ADDITION TO TACOMA, WASHINGTON, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 7 OF PLATS, PAGE 111, RECORDS OF PIERCE COUNTY, WASHINGTON; TOGETHER WITH THE WESTERLY HALF OF ALLEY ADJOINING, VACATED BY ORDINANCE NO. 14569 OF THE CITY OF TACOMA, RECORDED UNDER RECORDING NO. 1632335; EXCEPT THAT PORTION THEREOF CONVEYED TO THE CITY OF TACOMA FOR THOMPSON AVENUE, BY DEED DATED MARCH 14, 1951 AND RECORDED APRIL 5, 1951 UNDER AUDITOR'S FEE NO. 1589999, RECORDS OF SAID COUNTY. SITUATE IN THE CITY OF TACOMA, COUNTY OF PIERCE, STATE OF WASHINGTON.

APN 527500-0110 (3251 S. THOMPSON AVENUE)
LOTS 15 AND 16, BLOCK 2, LINCOLN PARK ADDITION TO TACOMA, WASHINGTON, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 7 OF PLATS, PAGE 111, RECORDS OF PIERCE COUNTY, WASHINGTON; TOGETHER WITH THE WESTERLY HALF OF ALLEY ADJOINING, VACATED BY ORDINANCE NO. 14569 OF THE CITY OF TACOMA, RECORDED UNDER RECORDING NO. 1632335; EXCEPT THAT PORTION THEREOF CONVEYED TO THE CITY OF TACOMA FOR THOMPSON AVENUE, BY DEED DATED MARCH 14, 1951 AND RECORDED APRIL 5, 1951 UNDER AUDITOR'S FEE NO. 1589999, RECORDS OF SAID COUNTY. SITUATE IN THE CITY OF TACOMA, COUNTY OF PIERCE, STATE OF WASHINGTON.