

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

THIS AGREEMENT is entered into this day, _____, by and between with TAC BUILD 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 sold to households whose income is at or below 115% of Pierce County AMI, adjusted for household size, and as determined by HUD on an annual basis. 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 must commit to renting or selling at least twenty percent of the multifamily housing units as affordable housing units to low and moderate-income households whose income is no more than 70 percent of the Pierce County Area family median income for rental units and no more than 115 percent of the Pierce County Area family median income for for-sale units, and the property must satisfy that commitment and any additional affordability and income eligibility conditions adopted by the City under this chapter. Households renting a multi-family unit may continue to qualify until their income exceeds 90 percent of the Pierce County Area family median income.

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 sale price 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.
- (d) other documentation as requested by the City

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 affordable unit at the expiration of the 12-year exemption, or within the final month of a qualified tenant's lease who occupies an income-restricted unit at the time those additional affordability requirements cease to apply to the unit if the affordability requirements outlined herein remain in place for the unit after the expiration of the 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. At the end of the 10th and 11th years of the extension, applicants must let these tenants know that they will receive rental relocation assistance amounting to one month's rent. Notwithstanding the forgoing, Applicant shall also comply with state and local laws regarding relocation assistance.

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

TAC BUILD LLC

By: _____

Hyun Kim
City Manager

Countersigned:

Debbie Bingham, Interim Director
Community & Economic Development Dept.

Andrew Cherullo, Finance Department Director

Attest:

Nicole Emery, City Clerk

Approved as to Form:

Debra Casparian, Deputy City Attorney

EXHIBIT A

Project Description:

Address: 2331 Yakima Ave

Tax Parcel: 2805000441

Number of units	Type of Unit	Average Size (sqft)	Expected Sale Price
<i>Market Rate</i>			
11	Three Bedroom, Three Bath	1498	\$450,000
<i>Affordable Rate</i>			
3	Three Bedroom, Three Bath	1498	\$430,000

The project will include 11 parking stall(s).

Legal Description:

BEGINNING AT THE INTERSECTION OF THE NORTH LINE OF LOT 12, IN BLOCK 5, OF BYRD'S ADDITION TO THE CITY OF TACOMA, ACCORDING TO PLAT RECORDED IN BOOK 1 OF PLATS AT PAGES 20 AND 21 WITH THE EAST LINE OF YAKIMA AVENUE; THENCE SOUTH ALONG THE EAST LINE OF YAKIMA AVENUE TO THE SOUTH LINE OF LOT 4 IN BLOCK 2315 OF REED'S ADDITION TO NEW TACOMA, WASHINGTON TERRITORY, ACCORDING TO THE PLAT RECORDED IN BOOK 1 OF PLATS AT PAGE 58; THENCE EASTERLY ALONG THE SOUTH LINE OF SAID LOT 4 AND THE NORTHERLY LINE OF LOT 5, IN SAID BLOCK TO AN INTERSECTION WITH THE EAST LINE OF BLOCK 5 OF BYRD'S ADDITION EXTENDED SOUTH; THENCE NORTH ALONG SAID EXTENDED LINE AND THE EAST LINE OF SAID BLOCK 5 TO THE NORTHEAST CORNER OF LOT 12 IN SAID BLOCK; THENCE WEST TO POINT OF BEGINNING; TOGETHER WITH THAT PORTION OF STREET ATTACHED THERETO AND ABUTTING THEREON VACATED BY ORDINANCE NO. 2964 OF THE CITY OF TACOMA.

SITUATE IN THE CITY OF TACOMA, COUNTY OF PIERCE, STATE OF WASHINGTON.