

City of Philadelphia



(Bill No. 030081)

AN ORDINANCE

Declaring that it is desirable for the health, safety and welfare of the people in the area served by Temple University Hospital, Inc. (the “Hospital”), a Pennsylvania nonprofit corporation, in the vicinity of 3401 North Broad street, for the Hospitals and Higher Education Facilities Authority of Philadelphia (the “Authority”) to undertake a project whereby the Authority will finance the costs of the development and construction of a multi-level ambulatory health care building and other hospital improvements and related costs.

WHEREAS, The Hospitals and Higher Education Facilities Authority of Philadelphia was duly incorporated under the provisions of the Municipality Authorities Act of 1945, Act of May 2, 1945, P.L. 382, as amended; and

WHEREAS, Ordinance No. 020361, adopted by the Council of the City of Philadelphia (the “City Council”) on June 13, 2002 and signed by the Mayor on June 26, 2002, declared it desirable for the health, safety and welfare of the people in the area served by the Hospital for the Authority to issue its tax-exempt hospital revenue bonds in an aggregate principal amount not to exceed \$46,000,000 and lend the proceeds thereof to the Hospital for the purpose of financing all or a portion of the Project described in Section 1 below; and

WHEREAS, the Authority has not, to date, issued any bonds pursuant to the declaration contained in Ordinance No. 020361; and

WHEREAS, The Hospital has requested that the Authority increase the maximum aggregate principal amount of the hospital revenue bonds indicated in Ordinance No. 020361 and issue its Hospital Revenue Bonds, Temple University Hospital Project, (the “Bonds”) in one or more series (taxable or tax-exempt) in an aggregate principal amount not to exceed \$75,000,000 and lend the proceeds thereof to the Hospital for the purpose of financing all or a portion of the Project described in Section 1 below; and

WHEREAS, The Authority requests that City Council revoke the declaration set forth in Ordinance No. 020361 and adopt this Ordinance declaring that it is desirable for the health, safety and welfare of the people in the area served by the Hospital for the Authority to issue the Bonds to finance the Project; and

WHEREAS, The Municipality Authorities Act, 53 Pa. C.S.A. §5601, *et seq.*, provides that none of the powers granted thereby shall be exercised in the construction, financing, improvement, maintenance, extension or operation of any project or projects which in

City of Philadelphia

BILL NO. 030081 continued

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whole or in part duplicate or compete with existing enterprises servicing substantially the same purposes, but that such limitation does not apply to hospital projects or health centers to be leased to or financed with loans to public hospitals, nonprofit corporation health centers or nonprofit hospital corporations serving the public if the municipality organizing the authority for such project shall declare by resolution or ordinance that it is desirable for the health, safety and welfare of the people in the area served by such hospital or health center to have such facilities provided by, or financed through, an authority; now, therefore

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. It is hereby declared desirable for the health, safety and welfare of the people in the area served by the Temple University Hospital, Inc. (the "Hospital") at its proposed facility to be located at the northeast corner of the Hospital site, at 3401 North Broad Street, Philadelphia, Pennsylvania 19140 and bounded by Broad street, Tioga street, Ontario street and Germantown avenue, to have the Hospitals and Higher Education Facilities Authority of Philadelphia (the "Authority") issue its Hospital Revenue Bonds, Temple University Hospital Project, (the "Bonds") in one or more series (taxable or tax-exempt) in an aggregate principal amount not to exceed \$75,000,000 for the purposes of financing or refinancing all or any portion of a project consisting of (i) paying the costs of the development and construction of a multi-level ambulatory health care building containing emergency room, radiation oncology and other health care facilities, with two floors below ground and up to nine floors above ground, to be connected to the Hospital and located on the northeast corner of the Hospital site (described above) including the purchase of medical and other equipment; (ii) paying the costs of renovations to the main Hospital facility including the purchase of medical and other equipment; (iii) paying capitalized interest on the Bonds during the construction period; (iv) establishing a debt service reserve fund for the Bonds; and (v) paying the costs of issuance of the Bonds (the "Project").

SECTION 2. The declaration made in Section 1 hereof extends to additional bonds to complete the Project and refunding bonds, which may be issued by the Authority, provided, however, that such declaration shall not be deemed authority to increase the scope of the Project.

SECTION 3. The declaration set forth in Ordinance No. 020361 is hereby revoked.

City of Philadelphia

BILL NO. 030081 continued

Certified Copy

City of Philadelphia

BILL NO. 030081 continued

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CERTIFICATION: This is a true and correct copy of the original Bill, Passed by the City Council on March 27, 2003. The Bill was Signed by the Mayor on April 2, 2003.



Patricia Rafferty
Chief Clerk of the City Council