

RESOLUTION NO. 2023-013

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AUTHORIZING THE CITY MANAGER TO EXECUTE A MODIFICATION TO DEED OF TRUST SECURING A \$281,365 PROMISSORY NOTE ON PROPERTY LOCATED AT 9676 RAILROAD STREET [APNS: 134-0050-043, 134-0050-049, 134-0050-052 AND A PORTION OF 134-0010-068] OWNED BY ECO GREEN, L.L.C, AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL RELATED DOCUMENTS ASSOCIATED WITH ANY FUTURE AMENDMENTS OR MODIFICATIONS TO THE CITY'S PROMISSORY NOTE AND DEED OF TRUST ON THE PROPERTY AND RELATED TO THE PROJECT

WHEREAS, in July 2018, City Council authorized the City Manager to execute a Purchase and Sale agreement with Eco Green, L.L.C (the "Developer") for the sale and development of property located at 9676 Railroad Street [APNs: 134-0050-043, 134-0050-049, 134-0050-052 and a portion of 134-0010-068] (the "Property"); and

WHEREAS, the Developer proposed a multi-phase, approximately \$20.6 million, 60,000 square foot mixed-use project including the renovation of two historic buildings as unique destination restaurants/event space, and a 90-unit market-rate apartment building with ground floor retail on the Property and adjacent Developer-owned property at 9700 Railroad Street (the "Project"); and

WHEREAS, the City agreed to carry a \$281,365 purchase money Promissory Note secured by a Deed of Trust on the Property; and

WHEREAS, Phase III of the Developer's Project, which originally consisted of the 90-unit apartment building, but now consists of 17 new residential buildings with two units per building for a total of 34 units, requires a boundary line adjustment establishing the boundaries of the approved Elk Grove Railroad Courtyards; and

WHEREAS, the Development Services Director has reviewed and approved the Developer's boundary line adjustment and the approved new parcels have sufficient value to secure the City's \$281,365 Promissory Note; and

WHEREAS, the boundary line adjustment changes the legal descriptions of the Property, and as such a modification to the Deed of Trust securing the \$281,365 Promissory Note needs to be made to match the approved boundary line adjustment.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby finds that executing the Modification to Deed of Trust is exempt from the California Environmental Quality Act (CEQA) pursuant to Pub. Res. Code § 21065 CEQA Guidelines §§ 15061(c),(2)(3); 15378(a); and

BE IT FURTHER RESOLVED that the City Council of the City of Elk Grove hereby authorizes the City Manager to execute a Modification to Deed of Trust, recorded with the Sacramento County Clerk-Recorder on October 30, 2020 in Book 20201030 Page 0633, which secures a \$281,365 Promissory Note for property located at 9676 Railroad Street [APNs: 134-0050-043, 134-0050-049, 134-0050-052 and a portion of 134-0010-068] (the "Property") owned by Eco Green, L.L.C.

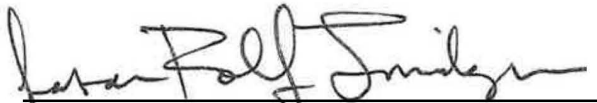
AND BE IT FURTHER RESOLVED that the City Council authorizes the City Manager to execute all documents reasonably related to the City's Promissory Note and Deed of Trust on the Property, including, without limitation, amendments, modifications, reconveyance, and/or subordination agreements, and any modifications to Fee Deferrals and their associated deeds of trust that the City Manager finds is reasonably related to the development of the proposed Project, all subject to approval as to form by the City Attorney, and provided that nothing herein authorizes the City Manager to increase the amount of the loan reflected in the Promissory Note and associated Purchase and Sale Agreement.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 25th day of January 2023



BOBBIE SINGH-ALLEN, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2023-013

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on January 25, 2023 by the following vote:

AYES: COUNCILMEMBERS: Singh-Allen, Spease, Brewer, Robles, Suen

NOES: COUNCILMEMBERS: None

ABSTAIN: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None



Jason Lindgren, City Clerk
City of Elk Grove, California