

## **RESOLUTION NO. 2004-38**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE TO APPROVE THE LOAN DOCUMENTS AND REGULATORY AGREEMENT TO IMPLEMENT THE CITY'S FINANCIAL COMMITMENT FOR THE GENEVA POINTE APARTMENTS PROJECT**

**WHEREAS**, the City of Elk Grove approved a financial commitment of \$3,045,800 in an Affordable Housing Fund loan and fee waiver, and development impact fee deferral assistance (Funding Commitment) to St. Anton Partners, LLC for the Geneva Pointe Apartments multifamily housing project on December 17, 2003; and

**WHEREAS**, the City of Elk Grove has recognized the need to provide housing affordable to all economic segments of the City; and

**WHEREAS**, the City has established an Affordable Housing Fund, recognizing the need for market rate residential development to pay for its proportional share of the City's affordable housing needs; and

**WHEREAS**, the commitment of financial resources is not a "project" subject to the California Environmental Quality Act because it is a funding mechanism having no physical effect on the environment.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELK GROVE:**

1. The City of Elk Grove shall defer up to \$1,059,228 in development impact fees for the Geneva Pointe Apartments.
2. The City of Elk Grove shall waive up to \$286,572 in Affordable Housing Fees for the Geneva Pointe Apartments.
3. The Administrative Services Director is authorized to transfer from the Affordable Housing Fund up to \$1,700,000 to the Geneva Pointe Apartments project to fund the loan.
4. The City Manager is authorized to prepare and execute any and all documents required for the making of the Funding Commitment (including without limitation the documents necessary for the use of the allocated funds and the documents necessary to make, reasonably administer, and enforce the affordability requirements of the Funding Commitment, such as a Promissory Note, Affordable Housing Loan Agreement, Subordination Agreement, and Regulatory Agreement; provided however that the Funding Commitment and other agreements shall be made in accordance with all applicable law, regulations, and policies regarding the making of the loan and use of the allocated funds.

5. The City Manager is authorized to make technical amendments to said agreements and documents when such amendments are in accordance with the Funding Commitment, with City policy, with this resolution, and good legal practices for the making of such a loan.
6. The Funding Commitment is contingent upon St. Anton Partners. providing or demonstrating to the satisfaction of the City:
  - a. Title Insurance,
  - b. Absence, or remediation of, any hazardous substances on the project site,
  - c. Soils report,
  - d. Development plans and color scheme; and
  - e. Organizational and financial documents of St. Anton Partners, LLC, and Geneva Elk Grove, L.P.

**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 3<sup>rd</sup> day of March 2004.

  
SOPHIA SCHERMAN, MAYOR OF THE  
CITY OF ELK GROVE

ATTEST:

  
PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:

  
ANTHONY B. MANZANETTI,  
CITY ATTORNEY

**CERTIFICATION**  
**ELK GROVE CITY COUNCIL RESOLUTION NO. 2004-38**

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

***I, Peggy E. Jackson, 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 the 3<sup>rd</sup> day of March 2004 by the following vote:***


**AYES 5:     COUNCILMEMBERS: Scherman, Soares, Briggs, Cooper, Leary**

**NOES 0:    COUNCILMEMBERS:**

**ABSTAIN 0: COUNCILMEMBERS:**

**ABSENT 0: COUNCILMEMBERS:**



  
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**Peggy E. Jackson, City Clerk**  
**City of Elk Grove, California**