

RESOLUTION NO. 2005-88

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
APPROVING A FINANCIAL COMMITMENT OF EIGHT MILLION NINE HUNDRED
FIFTY NINE THOUSAND NINE HUNDRED THIRTY DOLLARS (\$8,959,930) AND
THE IMPLEMENTING LOAN DOCUMENTS AND REGULATORY AGREEMENT FOR
THE CROSSINGS AT ELK GROVE APARTMENT PROJECT**

WHEREAS, the Urban Housing Communities (UHC) submitted a request for financial assistance from the City of Elk Grove. for the Crossings at Elk Grove, a proposed affordable multifamily housing project on December 29, 2004; 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 Fee, recognizing the need for market rate residential development to pay for its proportional share of the City's affordable housing needs; and

WHEREAS, the proposed Crossings at Elk Grove project would provide housing affordable to low and very low income households consistent with the intent of the Resolution establishing the Affordable Housing Fund Fee; and

WHEREAS, the proposed Crossings at Elk Grove project would provide housing that furthers the goals and policies of the City of Elk Grove's Housing Element; 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, the City Council of the City of Elk Grove of the City of Elk Grove does hereby determine that:

1. The City of Elk Grove shall loan up to \$8,959,930 to the Crossings at Elk Grove project (Funding Commitment).
2. The Administrative Services Director is authorized to transfer from the Affordable Housing Fund up to \$8,959,930 to the Crossings at Elk Grove project.
3. 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 Secured Promissory Note, Affordable Housing Loan Agreement,

Regulatory Agreement, and Subordination Agreement, and; 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.

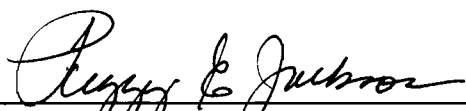
4. The City Manager is authorized to make technical amendments to said agreements and documents when such amendments are in accordance with the Funding Commitment, with City policy, with this resolution, and good legal practices for the making of such a loan.
5. The Funding Commitment is contingent upon Urban Housing Communities, Inc. 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 Urban Housing Communities, Inc. and UHC Elk Grove, L.P.

PASSED AND ADOPTED by the City Council of the City of Elk Grove on this 23rd day of March 2005.



DANIEL BRIGGS, 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. 2005-88**

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

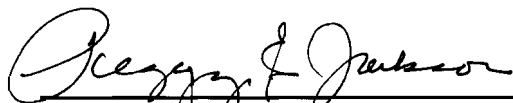
I, Peggy E. Jackson, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on the 23rd day of March, 2005 the following vote:

AYES: 3 COUNCILMEMBERS: Briggs, Leary, Scherman

NOES: 0 COUNCILMEMBERS:

ABSTAIN: 0 COUNCILMEMBERS:

ABSENT: 2 COUNCILMEMBERS: Cooper, Soares



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