

**RESOLUTION NO. 2019-221**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE  
APPROVING THE FIRST AMENDMENT TO THE PURCHASE AND SALE  
AGREEMENT AND JOINT ESCROW INSTRUCTIONS FOR PROPERTY LOCATED AT  
9676 RAILROAD STREET [APNs: 134-0050-043, 134-0050-049, 134-0050-052 and  
134-0010-068] AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE  
AGREEMENT AND RELATED DOCUMENTS (CEQA EXEMPT)**

**WHEREAS**, the City of Elk Grove ("City") and Eco Green, L.L.C., a California limited liability company ("Developer"), entered into that certain Purchase and Sale Agreement and Joint Escrow Instructions dated as of July 26, 2018 (City contract number C-18-446) ("Original Agreement"), in accordance with the terms and conditions set forth in the Original Agreement, and

**WHEREAS**, City is the current owner of certain real property, identified as Sacramento County Assessor Parcel Numbers ("APNs") 134-0050-043, 134-0050-049, 134-0050-052, and 134-0010-068 (the "Property"), in the City of Elk Grove, County of Sacramento, California; and

**WHEREAS**, Developer desires to purchase a ±3,991 square foot portion of the Property to accommodate a proposed commercial dining patio extension, and

**WHEREAS**, the proposed Amendment increases the Property purchase price by \$21,950, for the additional property being conveyed for the patio extension, and

**WHEREAS**, the Parties intend to rescind the Promissory Note and Deed of Trust, dated July 26, 2018 ("Original Note"), and replace it with a new Promissory Note and Deed of Trust with the modified but similar terms and in the same amount, with an even date with the close of escrow, and

**WHEREAS**, the new Promissory Note and Deed of Trust eliminates interest only payments during the escrow period, and payments received to date by the City during the escrow period, totaling \$8,429.19, will be credited towards the purchase price of the Property; and

**WHEREAS**, Developer shall deposit the remaining portion of the patio extension purchase price of \$13,520.81 in escrow; and

**WHEREAS**, staff supports the proposed patio extension and replacing the Promissory Note and Deed of Trust; and

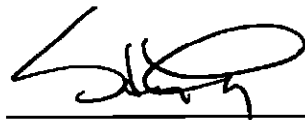
**WHEREAS**, any payments applied to the Original Note will be applied toward the purchase price of the Property in escrow by the City; and

**WHEREAS**, staff recommends the sale of the Property pursuant to the First Amendment to Purchase and Sale Agreement and Joint Escrow Instructions.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Elk Grove hereby finds the sale of the Property exempt from the California Environmental Quality Act ("CEQA") pursuant to Pub. Res. Code § 21065 CEQA Guidelines §§ 15060(c), (2)(3); 15378(a), and approves the First Amendment to Purchase and Sale Agreement and Joint Escrow Instructions including all associated documents, necessary to complete the sale of the property located adjacent to 9676 Railroad Street, Sacramento County Assessor Parcel Number 134-0010-068, to Eco Green, L L C.. all subject to approval as to form by the City Attorney; and

**BE IT FURTHER RESOLVED** that the City Council of the City of Elk Grove hereby authorizes the City manager to execute the First Amendment to the Purchase and Sale Agreement and Joint Escrow Instructions, including all associated documents necessary to complete the purchase of the Property.

**PASSED AND ADOPTED** by the City Council of the City of Elk Grove this 9<sup>th</sup> day of October 2019




\_\_\_\_\_  
STEVE LY, 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. 2019-221**

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 October 9, 2019 by the following vote:*

**AYES:**        **COUNCILMEMBERS:**     *Ly, Hume, Detrick, Nguyen, Suen*

**NOES:**       **COUNCILMEMBERS:**     *None*

**ABSTAIN:**   **COUNCILMEMBERS:**     *None*

**ABSENT:**    **COUNCILMEMBERS:**     *None*

  
\_\_\_\_\_  
**Jason Lindgren, City Clerk**  
**City of Elk Grove, California**