

RESOLUTION NO. 2024-008

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
AUTHORIZING THE CITY MANAGER TO EXECUTE SEPARATE CONSENT
OF GOVERNMENTAL ENTITY DOCUMENTS RELATED TO THE FIRST
MODIFICATION AGREEMENTS FOR THE POPPY GROVE I, POPPY GROVE II, AND
POPPY GROVE III APARTMENTS PROJECT**

WHEREAS, Poppy Grove I, LP, a California Limited Partnership; Poppy Grove II LP, a California Limited Partnership; and Poppy Grove III LP, a California Limited Partnership (collectively, “Developers”) are in the process of developing 387 units of rental housing (the “Project”) at a site located in Elk Grove, California at 10149 Bruceville Road – APNs 132-0050-175, 132-0050-176, and 132-0050-177, respectively (collectively, the “Property”); and

WHEREAS, on May 25, 2022, the City Council authorized the City Manager to execute Agreements for the Deferral of Certain City Impact Fees for the Project; and

WHEREAS, on August 24, 2022, the City Council authorized the City Manager to execute Amended and Restated Fee Deferral Agreements (“Fee Deferral Agreements”) for the Project, which limited the changes to certain impact fees and allowed for an alternate form of security; and

WHEREAS, on August 24, 2022, the City Council authorized the City Manager to execute Subordination Agreements related to the Fee Deferral Agreements, which subordinated the City’s right to payment under the Fee Deferral Agreements to the Developers’ senior lenders; and

WHEREAS, subsequent to the approval of the Subordination Agreements, one of the Project’s initial funding lenders changed its name from America First Multifamily Investors, LP to Greystone Housing Impact Investors LP, a Delaware limited partnership, as successor-in-interest to America First Multifamily Investors, LP, a Delaware limited partnership; and

WHEREAS, subsequent to the approval of the Subordination Agreements, the Developers were able to secure more advantageous funding terms for one of the Project’s funding sources; and

WHEREAS, Greystone Housing Impact Investors LP and the Developers negotiated a First Modification Agreement modifying their Project loan documents, to which the City is not a party, and requested that the City consent to the First Modification Agreement and reaffirm its Subordination Agreements in relation to the Fee Deferral Agreements; and

WHEREAS, staff reviewed the First Modification Agreements and determined that they do not meaningfully impact the City’s interests in the Project.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Elk Grove hereby authorizes the City Manager to execute separate Consent of Governmental Entity documents related to the First Modification Agreements for the Poppy Grove I, Poppy Grove II, and Poppy Grove III Apartments Project in substantially the form presented.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 10th day of January 2024




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. 2024-008

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 10, 2024 by the following vote:

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

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*



Jason Lindgren, City Clerk
City of Elk Grove, California