

RESOLUTION NO. 2002-188

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE TO APPROVE THE FINANCIAL COMMITMENT TO THE TERRACINA PARK MEADOWS PROJECT

WHEREAS, the City of Elk Grove approved a financial commitment of \$1,996,476 in Very Low Income Housing Trust Fund and Affordable Housing Trust Fund loan, grant, and fee exemption assistance to the Terracina Park Meadows Apartments on July 16, 2002; 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 Interim Affordable Housing 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 City has established a Very Low Income Housing Trust fund to collect impact fees for the very low income housing need generated by non-residential development; 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.

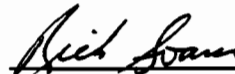
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ELK GROVE THAT:

1. The City of Elk Grove shall loan up to \$1,996,476 to the Terracina Park Meadows project (Funding Commitment).
2. The Administrative Services Director is authorized to transfer from the Very Low Income Housing Trust Fund and the Affordable Housing Trust Fund transfer up to \$1,996,476 to the Terracina Park Meadows project.
3. The Administrative Services Director 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, Regulatory Agreement, and/or Subordination and Standstill Agreement); provided, however that:
 - a. The Funding Commitment and other agreements shall be made in accordance with all applicable laws, regulations, and policies regarding

the making of the loan and use of the allocated funds.

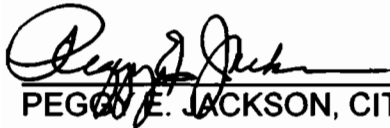
4. The Administrative Services Director is authorized to make technical amendments to said agreements and documents when such amendments are in accordance with the Funding Commitment, with City policy, with this resolution, with good legal practices for the making of such a loan and grant.
5. The Funding Commitment is contingent upon USA Properties 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. Revised color scheme, and
 - e. Organizational and financial documents of USA Properties.

PASSED AND APPROVED by the City Council of the City of Elk Grove on this 16th day of October 2002.



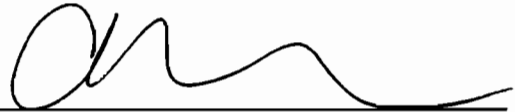
RICK SOARES, MAYOR of the
CITY OF ELK GROVE

ATTEST:



PEGGY E. JACKSON, CITY CLERK

APPROVED AS TO FORM:



ANTHONY B. MANZANETTI,
CITY ATTORNEY

AYES: Soares, Briggs, Cooper
Scherman, Leary

NOES: None

ABSTAIN: None

ABSENT: None