

RESOLUTION NO. 2997-13

**A RESOLUTION OF THE TOWN COUNCIL
OF THE TOWN OF WINDSOR
AUTHORIZING THE TOWN MANAGER TO EXECUTE AGREEMENTS IN
CONNECTION WITH THE ASSIGNMENT AND MODIFICATION OF A LOAN TO
THE FOREST WINDS PROJECT**

WHEREAS, the Forest Winds affordable housing project (the "Project") located at 6697 Old Redwood Highway, Windsor, California is owned by Burbank Housing Communities Corporation ("Owner"), an affiliate of Burbank Housing Development Corporation ("BHDC"), a California nonprofit public benefit corporation; and

WHEREAS, the former Windsor Redevelopment Agency (the "Agency") provided a loan (the "Loan") in 1994 for the construction of the Project in the amount of \$340,000; and

WHEREAS, on January 11, 2012, by Resolution No. 2869-12, the Town Council of the Town of Windsor elected to retain the housing assets and functions of the Agency pursuant to Health and Safety Code Section 34176 and other applicable law; and

WHEREAS, the Town thereby assumed the rights of the Agency in in the Loan; and

WHEREAS, Owner desires to sell the Project to a limited partnership (the "Partnership") that has an affiliate of BHDC as the general partner and further desires to have the Partnership rehabilitate the Project using a combination of construction loan funds and investor equity raised under the low income housing tax credit program; and

WHEREAS, Owner has requested that the Town approve (a) assignment of the Loan to the Partnership, (b) extension of the Loan term to 57 years, (c) minor modifications to the loan documents to meet the requirements of the equity investor and construction lender, and (d) the subordination of the Loan to a construction loan in the maximum amount of \$4,000,000 from Wells Fargo Bank or other similar construction lender.

NOW, THEREFORE, BE IT RESOLVED that the Town Council finds that rehabilitation of the Project is in the best interest of the Project residents and the Town, in that such rehabilitation will maintain and preserve the Town's stock of affordable housing; and

BE IT FURTHER RESOLVED that the Town Council approves (a) assignment of the Loan to the Partnership, (b) extension of the Loan term to 57 years, (c) minor modifications to the Loan documents to meet the requirements of the equity investor and construction lender, and (d) the subordination of the Loan to a construction loan in the maximum amount of \$4,000,000 from Wells Fargo Bank or other similar construction lender; and

BE IT FURTHER RESOLVED that the Town Council authorizes the Town Manager to execute and record such documents, in form approved by the Town Attorney, and to take such other and further action as necessary, to carry out the intent of this resolution, provided that the

Town Manager has determined that all financing needed for the rehabilitation of the Project has been committed and that, in consultation with the Town Attorney, all standard due diligence requirements have been met.

PASSED, APPROVED AND ADOPTED this 15th day of May 2013, by the following vote:

**AYES: COUNCILMEMBERS ALLEN, FUDGE, OKREPKIE, SALMON AND
MAYOR GOBLE**

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE



ROBIN GOBLE, MAYOR

ATTEST:



MARIA DE LA O, TOWN CLERK