

RESOLUTION NO. 2017-140

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROHNERT PARK AUTHORIZING AND APPROVING AMENDMENT NO. 1 TO AFFORDABLE HOUSING COVENANT INCLUDING DEED AND PRE-COMPLETION TRANSFER RESTRICTIONS BY AND BETWEEN THE CITY OF ROHNERT PARK AND COLUMBIA REDWOOD CREEK, LLC

WHEREAS; the Redwood Creek Apartment Complex is 232 unit complex which was approved in 2003 with condition that 35 units be rented to low-income households for a minimum period of 30 years; and

WHEREAS, in 2005, the City entered into an Affordable Housing Covenant Including Deed and Pre-Completion Transfer Restrictions ("Covenant") with the Spanos Corporation, the original developer of the property, to fulfill this inclusionary housing requirement; and

WHEREAS, Columbia Redwood Creek LLC is successor in interest to Spanos Corporation and is currently responsible for complying with the Covenant; and

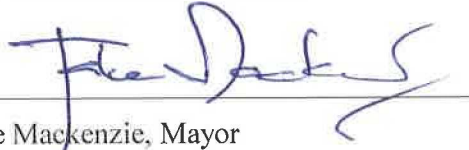
WHEREAS, there are currently no state or federal standards for occupancy restrictions on affordable rental units but the California Department of Fair Employment and Housing guidelines recommend occupancy standards of two persons per bedroom plus one additional person for the overall rental unit

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Rohnert Park that it does hereby authorize and approve Amendment 1 to Affordable Housing Covenant Included Deed and Pre-Completion Transfer Restriction by and between Columbia Redwood Creek LLC, a Delaware Limited Liability Company and the City of Rohnert Park, a municipal corporation.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized and directed to take all actions to effectuate this agreement for and on behalf of the City of Rohnert Park, including execution, if necessary, in substantially similar form to the agreement attached hereto as Exhibit "A," subject to minor modifications by the City Manager or City Attorney.


DULY AND REGULARLY ADOPTED this 28th day of November, 2017.

CITY OF ROHNERT PARK



Jake Mackenzie, Mayor

ATTEST:



Caitlin Saldanha, Deputy City Clerk

Attachment: Exhibit A

AHANOTU: Aye BELFORTE: Aye CALLINAN: Aye STAFFORD: Aye MACKENZIE: Aye
AYES: (5) NOES: (0) ABSENT: (0) ABSTAIN: (0)

**RECORDING REQUESTED BY AND
WHEN RECORDED MAIL TO:**

City of Rohnert Park
130 Avram Avenue
Rohnert Park, CA 94928-2486

(Space Above This Line for Recorder's Use Only)
[Exempt from recording fee per Gov. Code § 27383]

**AMENDMENT NO. 1 TO AFFORDABLE HOUSING COVENANT
INCLUDING DEED AND PRE-COMPLETION TRANSFER RESTRICTIONS**

This AMENDMENT NO. 1 TO AFFORDABLE HOUSING COVENANT INCLUDING DEED AND PRE-COMPLETION TRANSFER RESTRICTIONS (this "Amendment") is dated _____, 2017 for reference purposes only, and is entered into by and between the CITY OF ROHNERT PARK, a municipal corporation ("City") and COLUMBIA REDWOOD CREEK, LLC, a Delaware limited liability company ("Owner").

Recitals

A. On or about September 12, 2005, City and THE SPANOS CORPORATION, a California corporation, entered into that certain Affordable Housing Covenant Including Deed and Pre-Completion Transfer Restrictions ("Covenant") concerning the real property located at 600 Rohnert Park Expressway, in the City of Rohnert Park, County of Sonoma, more particularly described in **Exhibit A** attached hereto ("Site").

B. Owner is the current owner of the Site and a successor in interest to Developer under the Covenant.

C. All capitalized terms used in this Amendment, unless otherwise provided herein, shall have the same definitions given to such terms in the Covenant.

D. The parties desire to amend the Covenant to change to the maximum size of a household that may occupy an Affordable Unit.

NOW, THEREFORE, for valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto, for the benefit of and to bind themselves and their successors and interests in the ownership of the Site, hereby amend the Covenant in the following respects only:

1. Section 1.2(c) of the Covenant is deleted in its entirety and replaced with the following new Section 1.2(c):

Exhibit A

(c) The maximum size of a household occupying an Affordable Unit shall be two (2) persons per bedroom plus one (1) additional person.

2. Except as expressly amended hereinabove, the Covenant, as amended by the Amendment, shall remain unaltered and in full force and effect.

3. This Amendment may be executed in any number of counterparts with the same effect as if all parties had signed the same document. All counterparts shall be construed together and shall constitute one Amendment.

Signatures on Next Page

Signatures to be Notarized

Exhibit A

IN WITNESS WHEREOF, City and Owner have caused this Amendment to be executed on their behalf by their respective officers thereunto duly authorized.

“City”

CITY OF ROHNERT PARK,
a municipal corporation

By: _____
Darrin Jenkins, City Manager

Date: _____

Authorized by Resolution 2017-__ adopted by the Rohnert Park City Council at its meeting of November 28, 2017

Attest

City Clerk

Approved as to form:

City Attorney

“Owner”

COLUMBIA REDWOOD CREEK, LLC
a Delaware limited liability company

By: Windsor Columbia Realty Fund LLC, a
Delaware limited liability company, its
sole managing member

By: Windsor Advisers VI LLC, a
Delaware limited liability company
its managing member

By: _____
Name: _____
Its: _____
Date: _____

Exhibit A

COMMONWEALTH OF MASSACHUSETTS :

SS

COUNTY OF SUFFOLK :

_____, 201__

Then personally appeared _____ as Vice President of Windsor Advisers VI LLC, the managing member of Windsor Columbia Realty Fund LLC, the sole managing member of Columbia Redwood Creek, LLC, and acknowledged the foregoing instrument to be his/her free act and deed, in his/her said capacity, and the free act and deed of Windsor Advisers VI LLC, acting in its capacity as the managing member of Windsor Columbia Realty Fund LLC, acting in its capacity as the sole managing member of Columbia Redwood Creek, LLC.

Notary Public