



Legislation Text

File #: 12-300, **Version:** 1

ADOPT: Resolution Authorizing the Execution of an Amended and Restated Owner Participation and Loan Agreement (OPLA) and Related Documents with Alameda Housing Associates, L.P. (amends the existing OPLA for affordable rental housing located at 1400 San Leandro Boulevard, APN 075-0039-007-05, in San Leandro Crossings)

WHEREAS, pursuant to Resolution No. 2012-001 adopted by the City Council on January 9, 2012, the City of San Leandro (“City”): (i) agreed to serve as the Successor Agency to the Redevelopment Agency of the City of San Leandro (the “Agency”) commencing upon the dissolution of the Agency on February 1, 2012 pursuant to Assembly Bill x1 26, and (ii) agreed, pursuant to Health and Safety Code Section 34176(a), to assume the housing rights, duties, powers, assets and obligations associated with the housing activities of the Agency by operation of law upon dissolution of the Agency;

WHEREAS, pursuant to the foregoing Resolution No. 2012-001, as of February 1, 2012, the City, by operation of law, assumed all rights and obligations of the Agency pertaining to the Agency’s housing assets, including without limitation, the rights and obligations of the Agency set forth in that certain Owner Participation and Loan Agreement (the “Original OPA”) dated as of April 6, 2009 and executed by and between the Agency and Alameda Housing Associates, L.P., a California limited partnership (“Developer”) pursuant to which Developer agreed to develop an affordable multi-family rental development (the “Project”);

WHEREAS, pursuant to the Original OPA, the Agency agreed to provide a loan to Developer in the amount of Nine Million, One Hundred Thousand (\$9,100,000) (the “Loan”), of which approximately Two Million, Ninety-Five Thousand (\$2,095,000) has been disbursed for predevelopment activities associated with the development of the Project;

WHEREAS, the remaining balance of the Loan is listed on the Recognized Obligation Payment Schedule (“ROPS”) prepared by the City acting in its capacity as Successor Agency to the Agency and approved by the Oversight Board for the Successor Agency;

WHEREAS, the remaining balance of the Loan will be funded with a combination of funds on hand in the Agency’s Low- and Moderate-Income Housing Fund and property tax revenue allocated by the County Auditor-Controller from the Redevelopment Property Tax Trust Fund established to pay obligations on the ROPS;

WHEREAS, the Developer has proposed to expand the scope of the Project, and the Original OPA requires certain modifications to reflect changed circumstances since the Original OPA was executed;

WHEREAS, an Amended and Restated Owner Participation and Loan Agreement (the

“Restated OPA”) has been provided to the City Council;

WHEREAS, the Project and related improvements will be partially financed with the proceeds of a Transit Oriented Development grant (“TOD Grant”) and an Infill Infrastructure Grant (“IIG Grant”) provided by the California Department of Housing and Community Development (“HCD”); and

WHEREAS, in connection with the TOD Grant and the IIG Grant, HCD will require the City, Developer and/or BRIDGE Housing Corporation, a California nonprofit public benefit corporation affiliated with Developer (“BRIDGE”) to execute one or more Standard Agreements, Disbursement Agreements, and related documents (collectively, the “HCD Documents”).

NOW, THEREFORE, the City Council of the City of San Leandro does RESOLVE as follows:

1. Acknowledges, ratifies, and accepts the assumption of the Agency’s rights and obligations under the Original OPA, transferred from the Agency to the City by operation of law, effective as of February 1, 2012.
2. Approves the Restated OPA, and authorizes the City Manager to execute the Restated OPA substantially in the form provided to the City Council with such modifications as may be approved by the City Manager in consultation with the City Attorney.
3. Authorizes the City Manager to execute, deliver, and record, as applicable, the documents appended to the Restated OPA as exhibits, substantially in the forms provided to the City Council, with such modifications as may be approved by the City Manager in consultation with the City Attorney.
4. Directs the City Manager to negotiate a Memorandum of Understanding (“Memorandum”) that will describe the respective rights and responsibilities of City, BRIDGE and Developer pursuant to the HCD Documents, and authorizes the City Manager to execute such Memorandum in form approved by the City Manager in consultation with the City Attorney.
5. Directs the City Manager to negotiate an Indemnity Agreement pursuant to which BRIDGE will indemnify the City against liability arising in connection with any default by BRIDGE or Developer in connection with the Memorandum or the HCD Documents, and authorizes the City Manager to execute such Indemnity Agreement in form approved by the City Manager in consultation with the City Attorney.
6. Authorizes the City Manager to execute and deliver such other documents and to take such other actions as necessary to carry out the intent of this Resolution.