

## **RESOLUTION FHA 2025-03**

### **A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE FRUITA HOUSING AUTHORITY APPROVING THE REDEVELOPMENT, FINANCING AND AMI RESTRICTION AGREEMENT, RESTRICTIVE COVENANT AGREEMENT AND LOAN DEFAULT AGREEMENT AND ASSIGNMENT OF RIGHTS UNDER REDEVELOPMENT AGREEMENT FOR THE OAKS PROJECT**

**WHEREAS**, 805 Ottley Avenue LLC, a Colorado limited liability company (“Company”) proposes to develop an affordable housing project (the “Oaks Project”) in the City of Fruita located at 805 West Ottley Ave, Fruita, Colorado (the “Property”); and

**WHEREAS**, the Board of Commissioners of the Fruita Housing Authority (“Authority”) approved Resolution FHA 2024-02 on November 19, 2024, authorizing the Authority to participate as a special limited member in the Company; and

**WHEREAS**, on February 4, 2025, the Authority adopted Resolution FHA 2025-02 authorizing a loan from the Authority to the Company in the amount of \$400,000 in order to facilitate the purchase of the Property in the most efficient manner for the overall financing of the Oaks Project; and

**WHEREAS**, the Oaks Project is proposed to include 62 multifamily housing units which are anticipated to serve persons making up to 100% of area median income; and

**WHEREAS**, the Company has requested that the Authority enter into the Redevelopment, Financing and AMI Restriction Agreement (“Redevelopment Agreement” – **Exhibit A**), Restrictive Covenant Agreement (“Restrictive Covenant” – **Exhibit B**) and Loan Default Agreement and Assignment of Rights Under Redevelopment Agreement (“Default Agreement” – **Exhibit C**) (Redevelopment Agreement, Restrictive Covenant and Default Agreement are collectively referred to as the “Agreements”) in order to memorialize the terms and process for development of the Oaks Project; and

**WHEREAS**, The Authority desires to enter into the Redevelopment Agreement, Restrictive Covenant and Default Agreement in order to ensure that the Oaks Project develops as agreed to.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE FRUITA HOUSING AUTHORITY:**

Section 1. All action heretofore taken (not inconsistent with the provisions of this Resolution) by the Authority or the officers, agents or employees of the Authority relating to the Oaks Project and the Agreements is hereby ratified, approved and confirmed.

Section 2. The Authority deems that it is in its interest to enter into the Agreements and authorizes the Executive Director of the Authority to execute the same in the form attached

hereto as Exhibits A, B and C, subject to any non-substantive revisions approved by both the Executive Director and the Authority's attorney.

Section 3. The Chair, the Secretary, the Executive Director and any and all appropriate Authority officials are hereby authorized and directed to execute and deliver for and on behalf of the Authority any and all additional certificates, documents, instruments and other papers, and to perform all other acts that they deem necessary or appropriate in order to implement and carry out the matters authorized by this Resolution. The approval hereby given to the various documents referred to above includes an approval of such additional details therein as may be necessary and appropriate for their completion, deletions therefrom and additions thereto as may be approved by the Authority's attorney prior to the execution of the documents. The execution of any document or instrument by the aforementioned officials or employees of the Authority or members of the Board of Commissioners shall be conclusive evidence of the approval by the Board of Commissioners of such document or instrument in accordance with the terms hereof and thereof.

Section 4. This Resolution shall be effective as of the date of its adoption.

ADOPTED this 20<sup>th</sup> day of May, 2025.

FRUITA HOUSING AUTHORITY

---

Chair

ATTEST:

---

Board Secretary

APPROVED AS TO FORM:

---

Attorney