

RESOLUTION NO. 23-___

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KERMAN APPROVING FIRST AMENDMENT TO GATEWAY VILLAS APARTMENTS AFFORDABLE HOUSING PROJECT AND WAIVER OF ASSOCIATED IMPACT FEES AGREEMENT IN ORDER TO EXTEND THE PAYMENT DUE DATES AND TERM OF AGREEMENT

A. Pursuant to City of Kerman Resolution 19-70, the parties entered the Gateway Villas Apartments Affordable Housing Project and Waiver of Associated Impact Fees Agreement ("Agreement") effective November 19, 2019.

B. The Agreement also provided for the deferral of fees over a five year period.

C. The Parties wish to amend the Agreement to extend certain payment terms.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Kerman as follows:

SECTION 1. The foregoing recitals are incorporated herein by reference.

SECTION 2. Based on the foregoing recitals, the Council finds it is in the public interest of the City and its residents to extend payments due under the Agreement.

SECTION 3. The Council approves the First Amendment to Gateway Villas Apartments Affordable Housing Project and Waiver of Associated Impact Fees Agreement attached hereto as Exhibit A and incorporated by reference.

SECTION 4. The City Manager is authorized to execute the First Amendment.

SECTION 5. This resolution is effective upon adoption.

The foregoing resolution was adopted at a regular meeting of the City Council of the City of Kerman held on the 13th day of December 2023 and passed at said meeting by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

The foregoing resolution is hereby approved.

Maria Pacheco
Mayor

ATTEST:

Josie Camacho
Interim City Clerk

EXHIBIT 'A'

RECORDING REQUESTED BY:

City of Kerman

AND WHEN RECORDED MAIL TO:

City Clerk
City of Kerman
850 S. Madera Avenue
Kerman, CA 93630

(Exempt from Recording Fees Pursuant to
Government Code Section 27383 - Benefits
City)

SPACE ABOVE THIS LINE FOR RECORDERS USE ONLY

**FIRST AMENDMENT TO GATEWAY VILLAS APARTMENTS AFFORDABLE HOUSING
PROJECT AND WAIVER OF ASSOCIATED IMPACT FEES AGREEMENT**

This First Amendment to Gateway Villas Apartments Affordable Housing Project and Waiver of Associated Impact Fees Agreement (“First Amendment”) is made by and between the City of Kerman, a municipal corporation (hereinafter the “City”), and Central Valley Coalition for Affordable Housing, a California nonprofit public benefit corporation (hereinafter “CVCAH” or “Developer”) and collectively the “Parties”.

RECITALS

A. On November 19, 2019, the City Council of the City of Kerman adopted RESOLUTION NO. 19-70 Deferring and Waiving Certain Impact Fees for Gateway Villas Affordable Housing Project, Providing for City’s Restoration of Funds from Non-Impact Fee Sources, Making Public Benefit Findings, Approving Impact Fees Deferral and Waiver Agreement with Central Valley Coalition for Affordable Housing, a California Nonprofit Public Benefit Corporation.

B. Pursuant to Resolution 19-70, the parties entered the Gateway Villas Apartments Affordable Housing Project and Waiver of Associated Impact Fees Agreement (“Agreement”) effective November 19, 2019. The Agreement also provided for the deferral of fees over a five-year period.

C. The Parties wish to amend the Agreement to extend certain payment terms which in effect also extends the term of the Agreement. Section 105 of the Agreement requires that any amendment may only be made in writing and approved by the City Council.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals, which are incorporated herein by reference, and the promises, conditions, and covenants set forth in the Agreement for

the benefit of the health, safety, and welfare of the public, the City, and Developer do hereby mutually understand and agree as follows:

Section 1. Section 101 of the Agreement titled “Effective Date and Time” is amended to extend the term to November 14, 2025.

Section 2. Section 301 of the Agreement title “Deferral of Certain Impact Fees is amended as follows:

The development impact fee payment for Gateway Villas for Fiscal Year 2022/2023 is extended to the first quarter of 2024 and the payment for Fiscal Year 2023/2024 is extended to the first quarter of 2025.

Section 3. The effective date of this First Amendment Agreement shall be December 16, 2023.

Section 4. Except as amended by this First Amendment, all terms and conditions of the Agreement shall continue in full force and effect.

IN WITNESS WHEREOF, The Parties have executed this Agreement on the day or days and year written below.

CITY

CITY OF KERMAN,
a municipal corporation

John Jansons, City Manager

Date: _____, 2023

DEVELOPER

CENTRAL VALLEY COALITION FOR
AFFORDABLE HOUSING, a California
nonprofit public benefit corporation

Davis Slajchert

Date: _____, 2023

ATTEST:

Josie Camacho, Interim City Clerk

APPROVED AS TO FORM:

Hilda Cantú Montoy, City Attorney