



Legislation Details (With Text)

File #: 21-1751 **Version:** 1 **Name:**
Type: Consent Calendar **Status:** Agenda Ready
File created: 9/22/2022 **In control:** City Council Meeting
On agenda: 9/27/2022 **Final action:**
Title: Estoppel Certificate and Assignment Agreement for Ventana at Duncan Canyon
Sponsors:
Indexes:
Code sections:
Attachments: 1. Estoppel Certificate Agreement 005(28058230.1) (1).pdf, 2. Assignment and Assumption Agreement 003(28058305.1).pdf

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

FROM:

Development Services

SUBJECT:

Estoppel Certificate and Assignment Agreement for Ventana at Duncan Canyon.

RECOMMENDATION:

Approve Estoppel Certificate and Assignment Agreement for Ventana at Duncan Canyon and authorized the City Manager to enter into said agreement.

COUNCIL GOALS:

- To promote economic development by concentrating on job creation.
- To promote economic development by pursuing business retention, expansion
- and attraction.
- To invest in the city's infrastructure (streets, sewers, parks, etc.) by providing
- for the development of new infrastructure.
- To promote affordable housing by construction of high-quality multi-family
- housing which also serves to address the affordability needs of this community.

DISCUSSION:

The developer, HDO4, desires to finance the first phase of the Ventana project. HDO4 has created a single-purpose entity titled Ventana 257, LLC ("SPE"), which will be the entity that receives the loan and assumes responsibility for the development of the first phase. The developer's lender (PNC Bank) has requested that the City execute an Estoppel Certificate and Agreement ("Estoppel") and

approve an Assignment and Assumption Agreement ("Assignment").

Patrick Munoz of Rutan & Tucker, the City's Attorney that drafted the original development agreement, has reviewed and approve the content of the certificate and assignment agreement.

FISCAL IMPACT:

None.

MOTION:

Approve staff recommendation.