DRAFT RESOLUTION

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, AUTHORIZING THE CITY MANAGER TO EXECUTE RELEASE OF MODERATE INCOME HOUSING DEVELOPER AGREEMENT

WHEREAS, the City of Atascadero has adopted and Inclusionary Housing Policy adopted on June 24, 2003, and amended November 25, 2003 to increase homeownership opportunities available and affordable to moderate-income households in the City; and,

WHEREAS, pursuant to the Inclusionary Policy, Atascadero Ordinance Code and Government Code section 65915, and the conditions of approval for development projects, Developers are required prior to the issuance of any building permits to execute numerous agreements and documents to insure that housing units remain affordable to moderate-income households in the City (hereinafter “Inclusionary Housing Program”); and,

WHEREAS, the City Council authorized the City Manager and his/her designee to execute the necessary documents for the City’s Inclusionary Housing Program under Resolution No. 2006-021 on April 11, 2006; and,

WHEREAS, the City Council recognizes that from time to time it may be necessary to terminate the original Moderate Income Developer Agreement to remove a cloud against title; and,

WHEREAS, form agreements and documents for the City’s Affordable Housing Program are on file in the Office of the City Clerk; and,

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

SECTION 1. Recitals. The foregoing recitals are true and correct and the City Council so finds and determines.

SECTION 2. Authorization for City Manager. The City Council hereby authorizes the City Manager and his/her designee (Designated Officers), and each of them individually, for and in the name of and on behalf of the City, to approve, execute, and deliver in addition to the agreements and documents authorized under Resolution No. 2006-021 the following:

1. Release of Moderate Income Housing Developer Agreement

SECTION 3. Effective Date. This Resolution shall go into full effect immediately upon its passage.
PASSED AND ADOPTED at a regular meeting of the City Council of the City of Atascadero, California, held on this ____ day of ___________, 2009.

CITY OF ATASCADERO

By:_________________________________
   Ellen Beraud, Mayor

ATTEST:

By: _______________________________
   Marcia McClure Torgerson, C.M.C., City Clerk

APPROVED AS TO FORM:

By: _______________________________
   Brian A. Pierik, City Attorney