

**CITY OF FALCON HEIGHTS
COUNCIL RESOLUTION**

July 8, 2026

No. 26-64

**A RESOLUTION AUTHORIZING AN ESTOPPEL CERTIFICATE FOR FAIRWAY
COMMONS, LIMITED PARTNERSHIP**

WHEREAS, on June 24, 2021, the City of Falcon Heights entered into an Encroachment, Use, and Maintenance Agreement with Buhl, GTA GP, LLC (Amber Union) authorizing the encroachment upon City property for the construction and maintenance of certain parking improvements associated with the Amber Union redevelopment, subject to the City's right to terminate the agreement with twelve (12) months' written notice; and

WHEREAS, the City has been asked to provide an estoppel certificate relating to the Encroachment, Use, and Maintenance Agreement in connection with the closing of equity and debt financing for the Fairway Commons affordable housing development located at 1670 Larpenteur Avenue West; and

WHEREAS, U.S. Bancorp Community Development Corporation, the investing partner for Fairway Commons, requires the estoppel certificate for financing purposes; and

WHEREAS, the City Administrator, with the concurrence of the City Attorney, has administratively executed the Estoppel Certificate due to project timing needs and because the certificate confirms only existing, unchanged terms of the Encroachment, Use, and Maintenance Agreement; and

WHEREAS, the Estoppel Certificate confirms that the Parking Encroachment Agreement remains in full force and effect, has not been amended, modified, supplemented, or terminated, and that no default exists under the agreement; and

WHEREAS, the Estoppel Certificate also confirms the City will provide copies of any notice of termination under the agreement to Fairway Commons, Limited Partnership, and U.S. Bancorp Community Development Corporation at the specified addresses.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Falcon Heights, Minnesota:

1. The Estoppel Certificate for Fairway Commons, Limited Partnership, is approved as administratively executed by the City Administrator; and
2. The City Council authorizes the City Administrator and City staff to take any additional actions necessary to implement this approval.

Moved by: Gustafson

Approved by: 
Randy Gustafson
Mayor
July 8, 2026

GUSTAFSON
MAY
MOGEN
WASSENBERG
MIELKE

5 In Favor
0 Against

Attested by: 
Jack Linehan
City Administrator
July 8, 2026