

OVERSIGHT BOARD RESOLUTION NO. 14-002

RESOLUTION OF THE OVERSIGHT BOARD OF THE CITY OF HERCULES AS THE SUCCESSOR AGENCY OF THE HERCULES REDEVELOPMENT AGENCY AUTHORIZING THE CITY MANAGER ON BEHALF OF THE CITY OF HERCULES TO ENTER INTO A FIRST AMENDMENT OF THE RESTATED AGREEMENT FOR PURCHASE AND SALE OF REAL PROPERTY WITH PROPERTY DEVELOPMENT CENTERS LLC

WHEREAS, pursuant to authority granted by this City Council, the City Manager on or about October 28, 2013, entered into the Amended and Restated Agreement for Purchase and Sale of Real Property and Joint Escrow Instructions (“PSA”) with Property Development Centers LLC (“Buyer”) that provides for the purchase by Buyer of the Sycamore Crossing parcel, for Buyer to construct a commercial development to include a Safeway grocery and other commercial businesses; and

WHEREAS, on March 11, 2014, the City as Successor Agency approved and entered into a First Amendment of the PSA that requires that Buyer waive the Feasibility Contingency so that the \$300,000 deposit would not be refundable for any reasons enumerated in the Feasibility Contingency; and

WHEREAS, this amendment requires Buyer to immediately provide to the City \$100,000 from the deposit specified in the PSA so that the City can cover the cost of processing permits other development approval related fees; and

WHEREAS, this amendment also requires Buyer to submit applications to the City for all discretionary permits on or before March 31, 2014; and

WHEREAS, this amendment entitles Buyer to conduct additional Environmental and Soils Investigations, and make reasonable and diligent efforts to complete the additional testing on or before April 24, 2014; and

WHEREAS, this amendment results in the immediate advancement from Buyer to the City of \$100,000 from the required \$300,000 deposit for covering permit and other development related fees; and

WHEREAS, this amendment provides assurances to both Parties that commencement of the Project will begin in a timely fashion, and that City will have the funds available to absorb the cost of the permit review process.

NOW, THEREFORE, BE IT RESOLVED by the Oversight Board of the City of Hercules as the Successor Agency to the Hercules Redevelopment Agency that the Oversight Board approves the Successor Agency’s First Amendment to the Amended and Restate Agreement for Purchase and Sale of Real Property and Joint Escrow Instructions, in the form substantially the same as attached hereto.

The foregoing Resolution was duly and regularly adopted at a meeting of the Oversight Board of the City of Hercules held on the fifteenth day of April, 2014 by the following vote of the Council/Agency Board:

AYES: Brown, Delgado, Gordon, Romero

NOES: None

ABSENT: Gamba, Mitchell, Radke

Dan Romero, Chair

ATTEST:

Margaret S. Roberts
Administrative Services Director/City Clerk