



## Legislation Text

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**File #:** 19-922, **Version:** 1

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Resolution approving a First Amendment to the Exclusive Negotiating Rights Agreement (“ENRA”) with SSF PUC Housing Partners, LLC, an affiliate of AGI Avant Group, Inc. (with a recent name change to L37) and KASA Partners, for the development of a former South San Francisco Redevelopment Agency property known as the former Public Utilities Commission Opportunity Site (“PUC Site”) (APNs 093-312-050 and 011-312-060), and authorizing the City Manager to execute the First Amendment to the ENRA on behalf of the City.

WHEREAS, the City of South San Francisco is the owner of certain real property located in the City of South San Francisco (“City”), California, known as County Assessor’s Parcel Number 093-312-060 and referred to as the “PUC Site”; and,

WHEREAS, the PUC Site is subject to the City’s Long Range Property Management Plan (“LRPMP”) as approved by the Oversight Board for the Successor Agency to the Redevelopment Agency of the City of South San Francisco (“Oversight Board”), which establishes a plan for transferring or selling the properties identified thereunder; and

WHEREAS, the City is interested to having the PUC Site developed and sold consistent with the LRPMP, and it solicited proposals from qualified developers pursuant to a Request for Qualifications process and, on March 28, 2018 and May 2, 2018, pursuant to duly noticed public meetings, selected SSF PUC Housing Partners, LLC (“Developer”) for the development and disposition of the PUC Site; and

WHEREAS, on March 28, 2018 and May 2, 2018, the City Council directed staff to begin negotiating an Exclusive Negotiation Rights Agreement (“ENRA”) with Developer for the purpose of negotiating a property disposition agreement with Developer that will describe the terms and conditions governing the disposition of the PUC Site by City to Developer, attached hereto as Exhibit A; and

WHEREAS, on July 11, 2018, the City approved the ENRA and directed staff to negotiate a property disposition agreement; and

WHEREAS, section 3 of the ENRA provides that the term of the ENRA commenced on July 23, 2018, the date of the and will have an initial term of 365 days, unless otherwise extended or earlier terminated as provided therein; and

WHEREAS, following receipt of a request by Developer, the City Manager, acting on behalf of the City pursuant to section 3(c) of the ENRA, extended the term of the ENRA for an additional 161 days, with a termination date of December 31, 2019; and

WHEREAS, the parties have negotiated a Purchase and Sale Agreement and Joint Escrow Instructions (“Purchase and Sale Agreement”) regarding disposition of the PUC Site from City to Developer; and

WHEREAS, the terms of the Purchase and Sale Agreement are subject to consideration and approval by the City Council, and thereafter would be subject to the approval of the Oversight Board, which Oversight Board approval will not occur until after December 31, 2019; and

WHEREAS, the parties now desire to extend the term of the ENRA for an additional 182 days, to June 30, 2020, to permit sufficient time for the consideration and approvals stated herein to occur.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of South San Francisco does hereby take the following actions:

1. The foregoing recitals as true and correct.
2. The First Amendment to the ENRA, attached hereto as Exhibit B, is approved.
3. The City Manager is authorized to execute the First Amendment to the ENRA on behalf of the City.
4. The City Manager is authorized to, with review and approval as to form by the City Attorney, which do not materially or substantially increase the City’s obligations thereunder; to sign all documents; to make all approvals and take all actions necessary or appropriate to carry out and implement the intent of this Resolution.

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