

RESOLUTION NO. SA 18-02

**A RESOLUTION OF THE SUCCESSOR AGENCY TO THE COMMERCE
COMMUNITY DEVELOPMENT COMMISSION APPROVING THE RESTATED
AND AMENDED FIRST AMENDMENT TO THE CONTINGENT AGREEMENT
TO PURCHASE AND SELL REAL ESTATE TO CRAIG REALTY GROUP
CITADEL, LLC, FOR LAND IN THE CITY OF COMMERCE**

WHEREAS, on January 20, 2015, the Successor Agency to the Commerce Community Development Commission ("Successor Agency") approved the "Contingent Agreement to Purchase and Sell Real Estate and Escrow Instructions" ("the PSA") with Craig Realty Group Citadel, LLC ("Craig Realty"). The land that was the subject of the agreement is 25.29 acres located in the City of Commerce, which is described in detail in Exhibit A to the PSA ("the Land"); and

WHEREAS, the PSA complied with all aspects of ABx1 26 and AB 1484, and was ultimately approved by the Oversight Board and the Department of Finance. However, a change in circumstances requires that the PSA be slightly revised; and

WHEREAS, the PSA contemplated development of an "Industrial Portion" of the Land as an "Industrial Development," as specified in Article 6 of the PSA, by a third party to the PSA; and

WHEREAS, since the time of the PSA, the third party that intended to complete the "Industrial Development" (the Ryzman Family Trust) had informed the City, Successor Agency, and Craig Realty that it did not intend to proceed with the "Industrial Development." Hence, the PSA must be amended accordingly; and

WHEREAS, the Successor Agency's Long Range Property Management Plan ("LRPMP"), which preceded the PSA, anticipates that the Successor Agency would sell the Land to Craig Realty for purposes of commercial and retail development. The Restated and Amended First Amendment eliminates the possibility that the Ryzman Family Trust can develop an industrial use on the Land and allows the Successor Agency, the City, and Craig Realty to pursue the original purpose of developing the entire Land as a retail and commercial use; and

WHEREAS, the PSA will continue to control all aspects of the agreement between the Successor Agency and Craig Realty except for those terms that this Amendment explicitly modifies.

NOW, THEREFORE, THE SUCCESSOR AGENCY DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. The approval of the Restated and Amended First Amendment to Contingent Purchase and Sell Agreement complies with the Successor Agency's Long Range Property Management Plan, which was approved by the California Department of Finance on May 19, 2014.

Section 2. The Restated and Amended First Amendment to Contingent Purchase and Sell Agreement between the Successor Agency and Craig Realty Group Citadel, LLC, is hereby approved. The Successor Agency Chairperson is authorized to execute the Restated and Amended First Amendment for and on behalf of the Successor Agency. The Successor Agency's Executive Director is authorized to execute any and all documents necessary to implement the Successor Agency's approval of the Amendment.

Section 3. Successor Agency staff is directed to present the actions approved by this Resolution for review and approval by the Oversight Board for the Successor Agency.

PASSED, APPROVED and ADOPTED this 1st day of May 2018.

Oralia Rebollo
Chairperson

ATTEST:

Lena Shumway
Secretary