

**SUBMITTAL TO THE BOARD OF DIRECTORS OF THE  
REDEVELOPMENT AGENCY  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

447



**FROM:** Redevelopment Agency

**SUBMITTAL DATE:**

October 6, 2010

**SUBJECT:** Termination of Memorandum of Understanding Agreement with Urban Housing Communities

**RECOMMENDED MOTION:** That the Board of Directors:

1. Approve the attached Termination of Memorandum of Understanding Agreement by and between the Redevelopment Agency for the County of Riverside and Urban Housing Communities, LLC (Termination Agreement);
2. Authorize the Chairman of the Board of Directors to execute said Termination Agreement; and,
3. Authorize the Executive Director, or designee, to take all necessary steps to implement the Termination Agreement, including, but not limited to, signing subsequent necessary and relevant documents subject to approval by Agency Counsel.

**BACKGROUND:** (Commences on Page 2)

*Robert Field*  
Robert Field  
Executive Director

**FINANCIAL  
DATA**

|                               |            |                         |         |
|-------------------------------|------------|-------------------------|---------|
| Current F.Y. Total Cost:      | \$ 100,397 | In Current Year Budget: | Yes     |
| Current F.Y. Net County Cost: | \$ 0       | Budget Adjustment:      | No      |
| Annual Net County Cost:       | \$ 0       | For Fiscal Year:        | 2010/11 |

**COMPANION ITEM ON BOARD OF SUPERVISORS AGENDA:** No

**SOURCE OF FUNDS:** Redevelopment Low-and Moderate-Income Housing Funds

|   |                          |
|---|--------------------------|
| <b>Positions To Be Deleted Per A-30</b> | <input type="checkbox"/> |
| <b>Requires 4/5 Vote</b>                | <input type="checkbox"/> |

**C.E.O. RECOMMENDATION:**

APPROVE

BY: *Alex Gann*  
Alex Gann

**County Executive Office Signature**

Dep't Recomm.: ☐ Consent ☒ Policy  
Per Exec. Ofc.: ☐ Consent ☒ Policy

**Prev. Agn. Ref.:** 4.2 of 9/18/07; 4.8 of 7/31/07;  
4.2 of 1/15/08

**District:** 3

**Agenda Number:**

ATTACHMENTS FILED WITH  
THE CLERK OF THE BOARD

4.5

FISCAL PROCEDURES APPROVED  
ROBERT E. BYRD, AUDITOR-CONTROLLER  
BY: *Samuel Wong* 10/6/10  
BY: *Anita C. Willis* 10-570  
FORM APPROVED COUNTY COUNSEL  
ANITA C. WILLIS  
Departmental Concurrence

**BACKGROUND:** On September 18, 2007, the Redevelopment Agency for the County of Riverside (Agency) Board of Directors authorized the Executive Director, or designee, to execute a Memorandum of Understanding including Exclusive Right to Negotiate in exchange for Agreement to Assign Purchase and Sale / Escrow (the MOU Agreement) with Urban Housing Communities, LLC (UHC), a California limited liability company.

Under the terms and conditions of the MOU Agreement, Agency and UHC agreed to explore and negotiate in good faith a possible disposition and development agreement, or other agreement satisfactory to the Agency, for the construction and operation of a for sale single-family detached neighborhood for first-time homebuyers and a multi-family affordable housing complex to assist Agency to meet its fair share housing responsibilities.

Agency and UHC mutually desire to terminate the MOU Agreement, and UHC has requested a reimbursement in the amount of \$100,397 for costs incurred for planning and close of escrow.

Agency counsel has reviewed and approved to form the attached termination agreement. Staff recommends that the Redevelopment Agency's Board Directors approve the attached termination agreement.

1           **TERMINATION OF MEMORANDUM OF UNDERSTANDING AGREEMENT**  
2                           **BY AND BETWEEN**  
3           **THE REDEVELOPMENT AGENCY FOR THE COUNTY OF RIVERSIDE**  
                          **AND URBAN HOUSING COMMUNITIES, LLC**

4           This Termination Agreement is made and entered into on this \_\_\_\_\_ day of  
5           \_\_\_\_\_, 2010, (the "Effective Date") by and between the Redevelopment  
6           Agency for the County of Riverside ("AGENCY"), a public body, corporate and politic  
7           and Urban Housing Communities, LLC ("UHC"), a California Limited Liability Company.

8   **W I T N E S S E T H**

9           **WHEREAS**, on September 18, 2007, AGENCY Board of Directors authorized  
10          the Executive Director or designee to execute a Memorandum of Understanding  
11          including Exclusive Right to Negotiate in exchange for Agreement to Assign Purchase  
12          and Sale / Escrow (the "MOU Agreement"); and

13          **WHEREAS**, AGENCY and UHC entered into the MOU Agreement to jointly plan  
14          for the development of AGENCY-owned unimproved real property located in Hemet,  
15          Riverside County, California; and

16          **WHEREAS**, under the terms and conditions of the MOU Agreement, Agency  
17          and UHC agreed to explore and negotiate in good faith a possible disposition and  
18          development agreement, or other agreement satisfactory to the Agency, for the  
19          construction and operation of a for sale single-family detached neighborhood for first-  
20          time homebuyers and a multi-family affordable housing complex to assist Agency to  
21          meet its fair share housing responsibilities; and

22          **WHEREAS**, AGENCY and UHC mutually desire to terminate the MOU  
23          Agreement; and

24          **WHEREAS**, UHC is waiving its right to notice and cure set forth in Section 11 of  
25          the MOU Agreement; and

26          **WHEREAS**, UHC has requested a reimbursement in the amount of One  
27          Hundred Thousand Three Hundred Ninety Seven dollars (\$100,397) for costs incurred  
28          for planning and close of escrow.

1       **NOW, THEREFORE**, in consideration of the preceding promises and the mutual  
2 covenants and agreements hereinafter contained, the parties hereto do hereby agree  
3 as follows:

- 4       1. The MOU Agreement between AGENCY and UHC is terminated as of the  
5       Effective Date of this Termination Agreement.
- 6       2. AGENCY shall reimburse One Hundred Thousand Three Hundred Ninety  
7       Seven dollars (\$100,397) for costs incurred for planning and close of escrow.
- 8       3. This Termination Agreement is not binding until approved by the Board of  
9       Directors.

10       **IN WITNESS WHEREOF**, AGENCY and UHC have executed this Termination  
11 Agreement as of the date first above written.

12  
13 REDEVELOPMENT AGENCY  
14 FOR THE COUNTY OF RIVERSIDE

URBAN HOUSING COMMUNITIES, LLC  
a California Limited Liability Company

15 By \_\_\_\_\_  
16 MARION ASHLEY, Chairman  
17 Board of Directors

15 By  \_\_\_\_\_  
16 JOHN F. BIGLEY,  
17 Chief Operating Officer

18 APPROVED AS TO FORM:  
19 PAMELA J. WALLS  
20 Agency Counsel

21 By  \_\_\_\_\_  
22 Deputy

23  
24 ATTEST:  
25 KECIA HARPER-IHEM  
26 Clerk of the Board

27 By \_\_\_\_\_  
28 Deputy