

447

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



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

C.E.O. RECOMMENDATION:

APPROVE

BY:
Alex Gann

County Executive Office Signature

MINUTES OF THE BOARD OF DIRECTORS OF THE REDEVELOPMENT AGENCY

On motion of Supervisor Stone, seconded by Supervisor Benoit and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione, Stone, Benoit and Ashley
Nays: None
Absent: None
Date: October 19, 2010
xc: RDA, Auditor

Kecia Harper-Ihem
Clerk of the Board
By:
Deputy

4.5

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

FISCAL PROCEDURES APPROVED
ROBERT E. BYRD, AUDITOR-CONTROLLER
BY:
SAMUEL WONG
Departmental Controller

FORM APPROVED COUNTY COUNSEL
BY:
ANITA C. WILLIS

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

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 19th day of
5 October, 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
FOR THE COUNTY OF RIVERSIDE

URBAN HOUSING COMMUNITIES, LLC
a California Limited Liability Company

14
15 By Marion Ashley By John F. Bigley
MARION ASHLEY, Chairman JOHN F. BIGLEY,
16 Board of Directors Chief Operating Officer

17
18 APPROVED AS TO FORM:
19 PAMELA J. WALLS
Agency Counsel

20
21 By John C. Ode
22 Deputy

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

26
27 By Kecia Harper-Ihem
Deputy