



Legislation Details (With Text)

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Title: EXTENSION OF CONSTRUCTION COMMENCEMENT DEADLINE FOR 150 SOUTH BAYLEN STREET THROUGH MARCH 31, 2023.

Sponsors: Teniade Broughton

Indexes:

Code sections:

Attachments: 1. Draft Office of City Attorney's Letter - 09/13/22

Date	Ver.	Action By	Action	Result
9/12/2022	1	Community Redevelopment Agency	Approved	Pass

ACTION ITEM

SPONSOR: Teniade Broughton, Chairperson

SUBJECT:

EXTENSION OF CONSTRUCTION COMMENCEMENT DEADLINE FOR 150 SOUTH BAYLEN STREET THROUGH MARCH 31, 2023.

RECOMMENDATION:

That the Community Redevelopment Agency (CRA) approve an extension of the date to commence construction on redevelopment of the property at 150 South Baylen Street through March 31, 2023, as well as, the repurchase deadline through September 27, 2023 and the notice of intent to repurchase deadline through May 30, 2023.

SUMMARY:

On April 10, 2017, the CRA approved an award of contract for the sale of surplus property at 150 South Baylen Street (an underutilized parking lot) to Studer Properties, LLP. The property sold at its appraised value of \$510,000. The special warranty deed required that construction on the property begin by April 4, 2021. On March 8, 2021, the CRA approved and was notified that the property was under contract to Red Feather Developers, LLC. On that date, the CRA approved a request by Red Feather to extend the construction deadline to September 30, 2021.

On August 12, 2021, Red Feather submitted notification to CRA that a title encumbrance had been placed on the property. The pending litigation to resolve the encumbrance issue would not likely be

resolved prior to the end of September. Due to the litigation, the CRA approved an extension of the date to commence construction through September 30, 2022.

At this time, the pending litigation case has been closed. Red Feather intends to bring the project before the Architectural Redevelopment Board and the Planning Board during the month of August, but does not expect to meet the September 30, 2022 deadline. Therefore, an additional extension of the construction commencement deadline has been requested through March 31, 2023.

In accordance with the terms of the special warranty deed, extension of the construction commencement deadline would also extend out the deadlines for the CRA's repurchase option. The repurchase option deadlines would be modified as follows:

- Repurchase Deadline: Extended from March 29, 2023 through September 27, 2023.
- Notice of Intent to Repurchase: Extended from November 29, 2022 through May 30, 2023.

Further details are provided in the attached Draft Office of City Attorney Letter (9/13/2022).

PRIOR ACTION:

December 5, 2016 - The CRA declared the property at 150 S. Baylen Street surplus.

December 23, 2016 - A 30-day Notice of Property Disposition/RFP was published.

January 22, 2017 - A purchase offer of \$510,000 was received from Studer Properties, LLP.

April 10, 2017 - The CRA awarded a contract for the sale of 150 S. Baylen Street to Studer Properties, LLP.

April 13, 2017 - City Council approved the contract for the sale of 150 S. Baylen St to Studer Properties, LLP.

August 31, 2017 - The property was conveyed by Special Warranty Deed.

August 5, 2019 - the CRA approved a partial extension to the plan submittal deadline through February 29, 2020.

April 20, 2020 - The CRA approved a full extension of the plan submittal deadline through August 31, 2020.

October 5, 2020 - The CRA reviewed and accepted the developer's design plans for the site.

March 8, 2021 - The CRA approved extension of the construction start deadline to September 30, 2021.

October 11, 2021 - The CRA approved extension of the construction start deadline to September 30, 2022.

FUNDING:

N/A

FINANCIAL IMPACT:

None

LEGAL REVIEW ONLY BY CITY ATTORNEY: Yes

8/24/2022

STAFF CONTACT:

David Forte, Deputy City Administrator - Community Development

Sherry Morris, Development Services Director

Victoria D'Angelo, CRA Assistant Manager

ATTACHMENTS:

- 1) Draft Office of City Attorney Letter - 09/13/2022

PRESENTATION: No