RESOLUTION NO. 110-2005

Adopted June 21, 2005

AUTHORIZING A FIFTH AMENDMENT TO AN EXCLUSIVE NEGOTIATIONS AGREEMENT WITH SAN FRANCISCO HOUSING DEVELOPMENT CORPORATION, A CALIFORNIA NONPROFIT PUBLIC BENEFIT CORPORATION, TO EXTEND THE EXPIRATION FROM JANUARY 31, 2005 TO JANUARY 31, 2006, LEADING TO A DEVELOPMENT AND DISPOSITION AGREEMENT OF 4800 THIRD STREET, WITHIN THE BAYVIEW HUNTERS POINT REDEVELOPMENT SURVEY AREA, FOR THE DEVELOPMENT OF 18 LOW-AND MODERATE-INCOME FIRST-TIME HOMEOWNERSHIP UNITS AND GROUND FLOOR COMMERCIAL SPACE; CITYWIDE TAX INCREMENT HOUSING PROGRAM

BASIS FOR RESOLUTION

1. In furtherance of the objectives of the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq., the “Law”), the Redevelopment Agency of the City and County of San Francisco (the “Agency”) undertakes programs for the reconstruction and rehabilitation of slums and blighted areas in the City and County of San Francisco (the “City”).

2. San Francisco Housing Development Corporation’s, a California nonprofit public benefit corporation (“SFHDC” or “Developer”), mission is to provide safe, decent and affordable housing primarily to households in the City’s Bayview and Western Addition communities.

3. On June 11, 2001, the Developer entered into an agreement with Thomas E. Nix DBA Triway Investment Company (the “Seller”) to purchase a blighted property at 4800 Third Street in the Bayview Hunters Point Redevelopment Survey Area (the “Site” or “Property”) for the purpose of redeveloping it as a mixed-use affordable housing development (the “Purchase and Sale Agreement”).


5. Also on November 27, 2001, by Resolution No. 208-2001, the Agency Commission authorized the Agency to enter into an Exclusive Negotiations Agreement (“ENA”) with SFHDC leading to a ground lease agreement providing for the redevelopment of the Site as a mixed-use affordable housing development (the “Project”).
6. On September 16, 2003, by Resolution No. 144-2003, the Agency Commission authorized a First Amendment to the ENA to: (1) amend the Schedule of Performance, (2) amend Section 6 “Obligation of Agency”, and (3) extend the expiration of the ENA from September 14, 2003 to May 30, 2004.

7. On April 20, 2004, by Resolution No. 41-2004, the Agency Commission authorized a Second Amendment to the ENA to: (1) amend the Schedule of Performance and (2) extend the expiration of the ENA from May 30, 2004 to September 30, 2004.

8. On September 21, 2004, by Resolution No. 108-2004, the Agency Commission authorized a Third Amendment to the ENA to: (1) amend the Schedule of Performance and (2) extend the expiration of the ENA from September 30, 2004 to November 30, 2004.

9. On November 16, 2004, by Resolution No. 132-2004, the Agency Commission authorized a Fourth Amendment to the ENA to: (1) amend the Schedule of Performance and (2) extend the expiration of the term from November 30, 2004 to January 31, 2005.

10. The parties now desire to extend the expiration of the ENA from November 30, 2004 to January 31, 2005 to provide SFHDC sufficient time to establish a new development concept for the Project and to revise the Schedule of Performance.

RESOLUTION

ACCORDINGLY, IT IS RESOLVED by the Redevelopment Agency of the City and County of San Francisco that the Executive Director is authorized to enter into a Fifth Amendment to the Exclusive Negotiations Agreement with San Francisco Housing Development Corporation, a California nonprofit public benefit corporation, to extend the expiration of the ENA from January 31, 2005 to January 31, 2006, for the development of condominiums affordable to low-and moderate-income first-time homebuyers and ground floor commercial space at 4800 Third Street, within the Bayview Hunters Point Redevelopment Survey Area, as part of the Citywide Tax Increment Housing Program, substantially in the form lodged with the Agency General Counsel.

APPROVED AS TO FORM:

[Signature]
James B. Morales
Agency General Counsel