

CITY OF ALAMEDA  
PROMISSORY NOTE

(City of Alameda General Fund to  
City of Alameda Development Impact Fee Parks Fund)

Up to \$1,200,000

July 2, 2019

FOR VALUE RECEIVED, the undersigned, City of Alameda Development Impact Fee Parks Fund (the "Borrower") hereby promises to pay to the order of the City of Alameda General Fund (the "Holder"), the principal amount not to exceed One Million Two Hundred Thousand Dollars (\$1,200,000), as set forth herein, plus interest thereon pursuant to Section 2 below.

1. Borrower's Obligation. This promissory note (the "Note") evidences the Borrower's obligation to pay the Holder the total principal amount of up to One Million Two Hundred Thousand Dollars (\$1,200,000). The Borrower shall use the proceeds of the loan provided by the Holder to replenish negative cash balance generated by funding the Cross Alameda Trail Jean Sweeney Project and Estuary Park Improvement prior to refunding Parks Development Impact Fees paid by the Admiral Cove developer under the protest. Future available funds from the City's Development Impact Fee - Parks Fund are pledged as security for the repayment of this loan.

2. Interest. The principal balance of this Note shall bear zero interest.

3. Term and Repayment Requirements. The term of this Note (the "Term"), shall commence on June 4, 2019 and shall expire on June 30, 2029. Commencing on June 30, 2020 and on each June 30 thereafter throughout the Term, the Borrower shall make an annual payment to the Holder in the amount of up to One Hundred Twenty Thousand dollars (\$120,000). Upon the expiration of the Term, all remaining amounts, if any, due under this Note shall be immediately due and payable. Notwithstanding the foregoing, the Borrower shall have the right to prepay all, or a portion of the principal and interest due under this Note without any charge or penalty being made therefor.

4. Terms of Payment. All payments due under this Note shall be paid in currency of the United States of America, which at the time of payment is lawful for the payment of public and private debts.

5. Miscellaneous Provisions. This Note may not be changed orally, but only by an agreement in writing signed by the party against whom enforcement of any waiver, change, modification or discharge is sought with an approval action by the City Manager or Finance Director.

(a) This Note shall be governed by and construed in accordance with the laws of the State of California.

(b) If any provision of this note is deemed unenforceable, the validity, legality and enforcement of the remaining provisions in this note is not in any way affected or impaired hereby.

IN WITNESS WHEREOF, the undersigned has executed this Promissory Note as of the

BORROWER:

By: \_\_\_\_\_

Eric Levitt, City Manager  
City of Alameda  
Development Impact Fee Parks Fund

HOLDER:

By: \_\_\_\_\_

Eric Levitt, City Manager  
City of Alameda  
General Fund

APPROVED AS TO FORM:

\_\_\_\_\_  
Yibin Shen, City Attorney  
City of Alameda