

CITY OF ALAMEDA RESOLUTION NO. _____

AUTHORIZING THE CITY MANAGER TO EXECUTE A SUPPLEMENT
NO. 2 TO ACQUISITION AGREEMENT – COMMUNITY FACILITIES
DISTRICT NO. 13-1 (ALAMEDA LANDING PUBLIC IMPROVEMENTS)

WHEREAS, the City of Alameda Special Tax Financing Improvement Code, constituting Section 3-70.1 et seq. of the Alameda Municipal Code (the “Law”) allows for the formation of community facilities districts and levy of special taxes therein; and

WHEREAS, the City Council has formed the City of Alameda Community Facilities District No. 13-1 (Alameda Landing Public Improvements) (the “District”) pursuant to the Law and Resolution No. 14880, adopted by the City Council on January 7, 2014; and

WHEREAS, the District is authorized to finance public improvements necessitated by development occurring in the District (the “Facilities”), and the City, for and on behalf of the District, has entered into an Acquisition Agreement, dated as of November 1, 2013 (the “Acquisition Agreement”), with Catellus Alameda Development, LLC (the “Developer”), the entity developing the land in the District, whereby the City has agreed to use proceeds of special taxes levied on property in the District and proceeds of special tax bonds issued by the City for the District (collectively, the “Funding Sources”) to acquire and finance Facilities constructed by the Developer, subject to the provisions of the Acquisition Agreement; and

WHEREAS, in 2015, the City conducted proceedings to annex territory to the District and, in connection therewith, the City, for the District, and the Developer entered into a Supplement No. 1 to Acquisition Agreement, dated as of April 21, 2015 (the “First Supplement”), and to add to the Facilities that may be constructed by the Developer and acquired by the City, and that may be financed with the Funding Sources; and

WHEREAS, the Developer has advised the City that it has sold some of the property it owned in the District and, as a consequence thereof, it now desires to further amend the Acquisition Agreement to delete the changes to Exhibit B to the Acquisition Agreement that were made by the First Supplement and to instead amend said Exhibit B as set forth in a Supplement No. 2 to Acquisition Agreement (“Supplement No. 2”) the form of which is on file with the City Clerk; and

WHEREAS, the Second Supplement effectively reduces the overall costs of the Facilities to be financed by the Funding Sources; and

WHEREAS, the City Council now desires to approve and authorize the execution by the City of Supplement No. 2.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Alameda that:

1. Supplement No. 2, in the form on file with the City Clerk, is hereby approved. The City Manager is hereby authorized and directed to execute and deliver Supplement No. 2 in said form, with such additions thereto or changes therein as are approved by the City Manager upon consultation with the Public Works Director, the City Attorney and Bond Counsel to the City for the District, the approval of such additions or changes to be conclusively evidenced by the execution and delivery of Supplement No. 2 by the City Manager.

2. This Resolution shall take effect upon its adoption.

* * * * *

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the 16th day of July, 2019, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 17th day of July, 2019.

Lara Weisiger, City Clerk
City of Alameda

Approved as to Form:

Michael H. Roush, Assistant City Attorney
City of Alameda