MEMORANDUM

TO: George Lahanas, City Manager
FROM: Tom Fehrenbach, Community & Econ. Development Administrator
CC: Tim Dempsey, Director of Planning, Building, & Development
     Tom Yeadon, City Attorney

DATE: February 7, 2018

SUBJECT: Authorization for Site Plan Submittal on Lot #8 and Lot #15

The DDA recently executed a Purchase & Sale Agreement (PSA) for the Evergreen Properties (314, 328, 340, 344 Evergreen Ave) with a development team consisting of Royal Apartments, LLC and Vlahakis Development, LLC interested in redeveloping the Evergreen Properties. One of the key tenants of the Purchase & Sale Agreement was that the Developer start the review process in earnest by submitting a Site Plan Application for review by the City by December 17, 2018, which occurred. This agreement anticipated the submittal of a site plan which included the DDA’s properties as well as City Lot #4 (Parcel #33-20-01-13-229-011), and two privately owned lots. On December 18, 2018, the City Council voted to authorize the site plan submittal on Lot #4.

After reviewing the plans, it became apparent that the site plan submitted includes two additional parcels, Lot #8 (Parcel #33-20-01-13-226-006) and a portion of Lot #15 (33-20-01-13-228-005). After a complete title search, it was determined that the owner of record for Lot #8 and Lot #15 is in fact the City. It should be noted that the Building Authority has not had an interest in Lot #15 and that an automatic reversion from the Building Authority to the City for both Lot #4 and Lot #8 occurred in 1987. However, in order to clarify the record and avoid any clouds on the title, the City Attorney recommended that the Building Authority quit-claim deed both Lot #4 and Lot #8 back to the City. During the meeting on January 25, 2019, the Building Authority authorized the execution of the quit-claim deeds effectively confirming the transfer of Lot #4 and Lot #8 back to the City.

In order to submit a complete site plan, the Developer must have approval from the property owners for all parcels, which has occurred with the exception of the two lots not anticipated by the PSA. The Council has already authorized the submittal of a site plan by the Developer for Lot #4. Therefore, staff recommends that the City authorize the Developer’s submittal for a Site Plan Application that includes City Lot #8 and Lot #15 for the Planning commission consideration.
It should be noted that this motion does not create and should not be construed to create an express or implied contract obligating the DDA or City to proceed with the project or enter into a contract for the joint development of the project. If plans proceed, staff anticipates a discussion regarding the lease and/or transfer of the City property in early 2019.

**Recommended Motion:** Authorize the Submittal of a Site Plan Application including Lot #8 and Lot #15 by Royal Apartments, LLC and Vlahakis Development, LLC.