

RESOLUTION NO. 89-001

ADOPTED BY THE REDEVELOPMENT AGENCY OF THE CITY OF SACRAMENTO
ON DATE OF

January 3, 1989

APPROVING THE MEMORANDUM OF UNDERSTANDING BETWEEN
THE CITY OF SACRAMENTO AND THE
REDEVELOPMENT AGENCY OF THE CITY OF SACRAMENTO
REGARDING HYATT REGENCY HOTEL PARKING

WHEREAS, on September 16, 1986 the City Council, acting as the Redevelopment Agency of the City of Sacramento, approved the Disposition and Development Agreement and Ground Lease with JB and LE Regency Venture regarding the Hyatt Regency Hotel; and

WHEREAS, on November 17, 1987 the City Council, acting as the Redevelopment Agency of the City of Sacramento, approved an amendment to the Disposition/Development Agreement and Ground Lease with JB and LE Regency Venture; and

WHEREAS, Article 12, Section 12.03 of the Ground Lease provides that the Agency shall lease back the Hotel Garage for a sum of \$1,475,000 annually paid in quarterly installments (\$368,750 per quarter) for the term of the lease; and

WHEREAS, the staff report approved by the City Council and the Agency, dated September 16, 1986, regarding the above lease payments stated that the source of revenue for the annual payment per Article 12, Section 12.03 of the proposed Ground Lease would be the Agency Parking Facility Fund and City Parking Facility Fund.

NOW, THEREFORE, BE IT RESOLVED BY THE REDEVELOPMENT AGENCY OF THE CITY OF SACRAMENTO:

Section 1: The Agency shall first utilize Agency Parking Facility Fund cash proceeds (excluding any Agency proceeds utilized for capital improvements, maintenance or other activities by the City) actually received by the Agency from the agreements with the City for operation of Garages G, K, P, R and U; and revenue from the Public Garage and Hotel Garage pursuant to Article 13, Section 13.02 (1) and (2) of the Hyatt Ground Lease towards the payments required in Article 12, Section 12.02. In the event such actual cash proceeds on a quarterly basis are less than the \$1,475,000 annual payment obligation, the City shall provide the Agency with City Parking Facility Funds for the subject shortfall.

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Section 2: The Agency shall provide the City in March of each year with an annual and quarterly estimated calculation of City Parking Facility funds required to meet this payment obligation and shall provide actual calculations in the form of a quarterly invoice for such payments.

Section 3: The City shall make prompt payment to the Agency within thirty (30) days of receipt of a quarterly invoice.

Section 4: The Agency and City agree that this Memorandum of Understanding shall stay in effect for the term of Articles 12 and 13 of the Ground Lease or until such time that the subject Articles would be terminated pursuant to Section 12.10 or Section 13.0 of the Ground Lease.

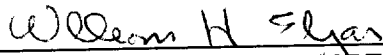
Section 5: The Agency and City agree that this Memorandum of Understanding shall be in effect for any calendar year, during the term defined above in Section 4, during which cash proceeds received by the Agency are not sufficient to meet the \$1,475,000 obligation.

Section 6: The City Manager and Executive Director are hereby authorized to Execute the subject MOU and to take all necessary actions to implement the provisions of the MOU.



CHAIR

ATTEST:



SECRETARY

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