



Legislation Text

File #: 08-0237, **Version:** 2

Resolution to Approve an Amendment to the Option to Purchase Agreement with Village Green Residential Properties LLC to extend the Term of the Agreement **(8 Votes Required)**

On February 20, 2007, Council approved an Option to Purchase Agreement with Village Green Residential Properties LLC for the sale and redevelopment of City owned property located at the corner of First and Washington Streets. The Option was valid through February 20, 2008 with one available extension for 90 days which could be approved by the City Administrator.

On January 1, 2008, the developer requested the extension due to an unanticipated delay in completing negotiations with the DDA regarding the parking structure design. The City Administrator approved the extension on January 7, 2008 resulting in a contract expiration date of May 20, 2008.

The DDA Board approved the parking design at a Special Meeting on January 25, 2008, and Village Green started the City's normal development process by submitting for Site Plan Approval on January 28, 2008. Given the anticipated amount of time necessary to complete the City's planning process, obtain Council approval for the project and negotiate a condominium agreement between the City and the developer, staff recommends amending the Option Agreement to expire September 30, 2008 with one additional 90 day extension available subject to the City Administrator's approval.

Additionally, with more specific information available about the design of the project, the City has requested and Village Green has agreed to authorize the placement of a City antenna for wireless voice and data access on the building as part of the amendment term subject to space availability and without a user fee to the City.

Approval of the amendment is recommended.

Prepared by: Tom Crawford, CFO and Mary Joan Fales, Senior Assistant City Attorney

Reviewed by: Tom Crawford, CFO, Financial & Administrative Services Area Administrator

Whereas, On February 20, 2007, City Council approved an Option to Purchase Agreement with Village Green Properties LLC for the parcel of land located at the corner of First and Washington Streets in Ann Arbor;

Whereas, In October 2007 a Parking Agreement was approved by the City, DDA and Village Green for this project;

Whereas, On January 25, 2008 the DDA and Village Green agreed to amendments to the Parking Agreement originally approved in October 2007 that addressed issues related to design, durability and cost;

Whereas, Village Green Properties LLC initiated the City's development process by submitting for site plan approval on January 28, 2007;

Whereas, The City and developer recognize that a typical development project will require more time

than is available under the existing Option Agreement;

Whereas, As part of design and durability discussions between the parties, the City has requested a non-exclusive right to mount an antenna for wireless voice and data access on structure's roof and Village Green has agreed to this additional term; and

Whereas, The City Administration recommends amendment of the Option Agreement to extend the term and include a provision on the placement of an antenna on the building;

RESOLVED, That the City Council of the City of Ann Arbor hereby authorizes the amendment of the Option Agreement to expire September 30, 2008 with one additional 90 day extension available subject to the approval of the City Administrator together with the other modification stated above;

RESOLVED, That the proceeds from this sale shall be designated to the General Fund, Fund 010; and

RESOLVED, That the City Administrator is authorized and directed to take all necessary actions to implement this Resolution.

As Amended by Ann Arbor City Council on April 7, 2008