

RESOLUTION NO. RES-2024-129

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA APPROVING AN AMENDMENT TO FURTHER EXTEND THE TERM OF THE EXCLUSIVE NEGOTIATION AGREEMENT DATED SEPTEMBER 14, 2023, AS AMENDED, BETWEEN THE CITY OF SANTA ROSA AND ROGAL PROJECTS, FOR THE REAL PROPERTY LOCATED AT 625 AND 637 3<sup>RD</sup> STREET, SANTA ROSA, CALIFORNIA

WHEREAS, on September 12, 2023, the City Council, by Resolution No. RES- 2023- 162: 1) approved entering into an Exclusive Negotiation Agreement with Rogal Projects, a sole proprietorship (“Developer”), for the potential disposition and development of the real property located at 625 and 637 3<sup>rd</sup> Street, Santa Rosa, CA, also known as Assessor Parcel Numbers 009-013-011 and 009-013-012 or Garage 5 (collectively, the “Property”), which was declared surplus by Council in December 2022; 2) authorized the City Manager to execute an Exclusive Negotiation Agreement and any amendments thereto, subject to approval as to form by the City Attorney’s Office; and 3) directed staff to initiate negotiations to enter into a Disposition and Development Agreement for the Property; and

WHEREAS, the City and Developer entered into an Exclusive Negotiation Agreement (as amended, the “ENA”) dated September 14, 2023; and

WHEREAS, the initial period of the ENA ran for ninety (90) days, and was extended by the City Manager for an additional 90 days, pursuant to that certain First Amendment to Exclusive Negotiation Agreement dated December 12, 2023, in accordance with the terms of the ENA; and

WHEREAS, the parties reached an agreement on the term sheet by the deadline set forth in the ENA; and

WHEREAS, the parties sought an additional ninety (90) day extension in order to prepare a mutually acceptable Disposition and Development Agreement (“DDA”) for consideration and action by the Council; and

WHEREAS, on May 7, 2024, the City Council, by Resolution No. RES-2024-064 approved amending the ENA to extend the term for an additional ninety (90) days and the parties entered into that certain Second Amendment to Exclusive Negotiation Agreement dated May 10, 2024, pursuant to which the term was extended until August 9, 2024; and

WHEREAS, the parties are now seeking an additional ninety (90) day extension in order to negotiate and execute the DDA and bring it back to Council in open session for consideration and action.

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NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Santa Rosa approves amending the Exclusive Negotiation Agreement dated September 14, 2023, as amended by that certain (i) First Amendment to Exclusive Negotiation Agreement dated December 12, 2023; and (ii) Second Amendment to Exclusive Negotiation Agreement dated May 10, 2024, between the City of Santa Rosa and Rogal Projects, a sole proprietorship, to further extend the term for an additional ninety (90) days beyond the expiration of the current term, until November 7, 2024, in order to prepare a Disposition and Development Agreement for consideration and action by Council.

IN COUNCIL DULY PASSED this 6th day of August, 2024.

AYES: (7) Mayor N. Rogers, Vice Mayor Stapp, Council Members Alvarez, Fleming, MacDonald, Okrepkie, C. Rogers

NOES: (0)

ABSENT: (0)

ABSTAIN/RECUSE: (0)

ATTEST: \_\_\_\_\_ APPROVED: \_\_\_\_\_  
City Clerk Mayor

APPROVED AS TO FORM: \_\_\_\_\_  
City Attorney