



## Legislation Details (With Text)

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**Title:** Resolution approving fifth amendment to the West Side Flats Phase III development agreement with WSF Phase III LLC, District 3, Ward 2

**Sponsors:** Rebecca Noecker

**Indexes:**

**Code sections:**

**Attachments:** 1. Board Report, 2. Site Plan and Elevations, 3. Unit Rent and Size Detail, 4. Estimated Energy Savings, 5. District 3 Profile

Date	Ver.	Action By	Action	Result
6/12/2019	1	Housing & Redevelopment Authority	Adopted	Pass

Resolution approving fifth amendment to the West Side Flats Phase III development agreement with WSF Phase III LLC, District 3, Ward 2

**WHEREAS**, pursuant to Resolution PH 12-312, adopted October 24, 2012, the Housing and Redevelopment Authority of the City of Saint Paul, Minnesota (“HRA”), and WSF Phase III LLC (the “Phase III Developer”) entered into the West Side Flats Phase III Development Agreement (the “Phase III Agreement”), which affects the sale and development of the HRA-owned land (the “Phase III Property”) described in the staff report attached thereto; and

**WHEREAS**, the Phase III Agreement provides the Phase III Developer with the exclusive right (“Development Rights”) to propose development plans for the Phase III Property for a period of three years from the effective date of the Phase III Agreement, which period expired on November 19, 2015; and

**WHEREAS**, by Resolution No. 15-1978 the HRA Board of Commissioners approved a first amendment (“First Amendment”) to the Phase III Development Agreement, for the purpose of extending for six months until May 19, 2016, the Phase III Developer’s Development Rights and the Resolution included additional specific requirements for a development proposal for the Phase III Property, and

**WHEREAS**, by Resolution No. 16-970 the Board of Commissioners approved a second amendment (“Second Amendment”) to the Phase III Development Agreement, for the purpose of extending until March 30, 2017 the Phase III Developer’s Development Rights and the Resolution included additional specific requirements for a development proposal for the Phase III Property; and

**WHEREAS**, by Resolution No. 17-474 the Board of Commissioners approved a third amendment (“Third Amendment”) to the Phase III Development Agreement, for the purpose of extending until December 31, 2017 the Phase III Developer’s Development Rights and the Resolution included additional specific requirements for a development proposal for the Phase III Property; and

**WHEREAS**, by Resolution No. 17-2010 the Board of Commissioners approved a fourth amendment (“Fourth Amendment”) to the Phase III Development Agreement, for the purpose of extending until June 30, 2018 the Phase III Developer’s Development Rights and the Resolution included additional specific requirements for a development proposal for the Phase III Property; and

**WHEREAS**, the Phase III Developer has requested a further extension until December 15, 2019 of the Development Rights in order to obtain financing and other approvals for the Phase III Property, and staff is recommending approval of such extension on the terms and conditions set forth in a fifth amendment (“Fifth Amendment”) to the Phase III Development Agreement, and based on the Phase III Developer meeting the following benchmarks (“Benchmarks”):

Site Plan/Army Corp applications submitted	6/1/2019
Construction pricing final	7/8/2019
Permit drawings completed and submitted	8/16/2019

**WHEREAS**, the HRA Board of Commissioners finds a public purpose for the actions being taken in this resolution.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Housing and Redevelopment Authority of the City of Saint Paul, Minnesota that:

1. The Fifth Amendment is approved in substantially the form submitted.
2. The Executive Director is authorized and directed to execute the Fifth Amendment.
3. The Executive Director and staff are authorized to take all actions needed to implement this Resolution including without limitation the preparation of documents, and the Executive Director is authorized to execute all documents, instruments, and agreements therewith.
4. If the Phase III Developer fails to timely satisfy any of the Benchmarks, then the HRA Executive Director has the authority and discretion to either (a) terminate the Development Rights and Development Agreement as amended without further HRA Board action, or (b) allow the Phase III Developer additional time up to January 31, 2020 to complete and satisfy all the Benchmarks upon a showing by the Phase III Developer of significant progress towards meeting and satisfying all the Benchmarks.