

development, and a construction schedule laying out the time required to complete the project.

The ENA between the City and APAC establishes a negotiating period through August 31, 2020.

APAC is required to seek community input within 180 days of executing the ENA and to propose a plan to the City within 360 days. At least once per quarter, APAC will submit progress reports to the City.

APAC is also required to provide evidence of funding, in the form of bank statements or contractually binding commitments, in the amounts and by the dates that follow:

- Milestone 1: by March 1st, 2018 = \$20M
- Milestone 2: by March 1st, 2019 = \$50M
- Milestone 3: by March 1st, 2020 = 80% of total estimated project development cost
- Milestone 4: by June 30, 2020 = 100% of total estimate project development cost

The ENA also indicates that any agreement that might be reached between the parties should require APAC to fund any CEQA-compliance costs, secure any necessary entitlements, bear the responsibility of all pre-development costs, consider revenue sharing, and potentially widen the Katella and Stadium Crossing entry.

In the ENA, the City agrees to not negotiate with any other person or entity for the sale or rehabilitation of the property.

Any conveyance agreement produced under the ENA will be brought to the City Council for consideration at a later date.

IMPACT ON BUDGET:

There is no budgetary impact; the ENA only provides for negotiation of a definitive conveyance agreement that will eventually be brought to the City Council for consideration if the parties reach an agreement and APAC meets all its required milestones.

Respectfully submitted,

Tom Morton
Executive Director

Attachment:

1. Exclusive Negotiating Agreement