



Legislation Text

File #: 19-473, **Version:** 1

The Cove Disposition and Development Agreement Precondition 3.2.7 - Public Area Maintenance Plan

RECOMMENDED ACTION (Motion):

Staff recommends that the Urban Renewal Commission approve the proposed Public Area Maintenance Plan.

BACKGROUND:

The Disposition and Development Agreement (DDA) for the Cove project, approved November 26, 2018, includes several preconditions that the Developer is to satisfy. Precondition 3.2.7 states: "The parties shall have agreed upon the Public Area Maintenance Plan pursuant to Section 9.1".

Section 9.1 of the DDA states: "No later than the commencement of construction of Phase 2A, Developer and the Commission shall agree on a Public Areas Maintenance Plan whereby Developer or its successor in ownership of Phases 2A and 2B shall be responsible for maintenance and upkeep of Tract C of the Public Parcels for five years after acceptance of the public improvements on Tract C by the City. Developer's obligations under the Public Areas Maintenance Plan may be secured by a lien on the Private Parcels, provided that such lien is junior to any then existing liens and encumbrances of record."

The proposed Public Areas Maintenance Plan (attachment 1) requires that the Developer maintain for five years the improvements on Tract C as required in the DDA and the General Land Use Application (GLUA 18-00040) and conditions of approval that was approved by the City through the planning process. The Developer, at their own cost and expense, shall maintain and repair Tract C improvements in a clean, operational and attractive condition as a first-class public area. The agreement identifies a budget and maintenance plan approval process, Tract C infrastructure inspection process and a compliance remedy should the required upkeep not occur. The approved agreement shall be recorded against the Phase 2A and Phase 2B properties for the benefit of the City and the Urban Renewal Agency (URA) and may only be amended by a written agreement signed by the URA, the City and the Developer.