APPROVED

City Council – Action Request Form

Date:	September 8, 2009
To:	The City Manager
From:	Denise Bell, Chief Financial Officer Angela Carmon, City Attorney

Council Action Requested:

Adopt Resolution Clarifying the Terms for the Acquisition of Property from Brookstown Development Partners, LLC and Sports Menagerie, LLC and Clarifying the Terms for Financing the Sale of Certain City-Owned Land to Brookstown Development Partners, LLC.

Summary of Information:

The June 17, 2009, City Council resolution authorized the procurement of a subordinated security interest in the Phase II land adjacent to the stadium, owned by Brookstown Development Partners, LLC (BDP). Exhibit A attached to the resolution stated that the City would receive a 2nd Deed of Trust on all BDP properties.

In addition, the resolution approved the financing of the sale of several City owned lots to BDP under the terms and conditions outlined in the attached Exhibit B.

Subsequent negotiations with Regions Bank and the Developer have resulted in a collateral alternative. In lieu of the 2nd Deed of Trust on the remaining Phase II BDP properties and the lots the City is selling to BDP, the developer will provide a collateral pledge of Primo Properties' forty-five percent (45%) ownership interest in BDP. The pledged collateral will be released when the $980,361 for the sale of the City property is paid in full and provided BDP is not in default of the ground lease. Other technical clarifications have been made to reflect the negotiated terms per the acquisition of the land and stadium and lease agreements. Exhibits A and B also include other technical revisions to further clarify the terms of the transactions.

With approval of this resolution, the developer should be able to close on the sale and resume construction in a matter of days.

Committee Action:

Committee		**Action**	
For		**Against**	
Remarks:			