

Attachment 'A'

**RESOLUTION NO. 23-\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF KERMAN, CALIFORNIA  
APPROVING AMENDMENT NO. 1 TO PURCHASE SALE AGREEMENT AND JOINT  
ESCROW INSTRUCTIONS WITH BARCUS FAMILY LIMITED PARTNERSHIP, A  
CALIFORNIA LIMITED PARTNERSHIP AND S&K MORAN FAMILY LIMITED  
PARTNERSHIP, A CALIFORNIA LIMITED PARTNERSHIP RELATING TO EXCEPTION  
11 IN PRELIMINARY TITLE REPORT**

**RECITALS**

WHEREAS, the City Council approved a Purchase and Sale Agreement and Escrow with Barcus Family Limited Partnership, a California Limited Partnership And S&K Moran Family Limited Partnership, a California Limited Partnership ("Seller") regarding the City's purchase of property for the new Police Department; and

WHEREAS, escrow has opened and the Preliminary Title Report prepared by the Escrow Holder as it relates to the Property identifies Exception 11 for various liens related to certain Mortgages and Security Agreements and Financing Statements by and between Kerman Telephone Co., a California corporation (tenant of the Annex and related party to Seller) and the United States of America (Rural Utility Service) and The Rural Telephone Bank (collectively "RUS"); and

WHEREAS, Seller's release efforts are still in progress with RUS and will not be complete by Close of Escrow. Seller wishes to close on the Property by November 30, 2023.

WHEREAS, discussions have been held as to how to accomplish that and protect the City's interests; and

WHEREAS, Seller has agreed to indemnify City.

NOW, THEREFORE, the City Council of the City of Kerman, California resolves as follows:

- Section 1. The above recitals are true and correct and incorporated herein by reference.
- Section 2. The City Council approves Amendment No. 1 to Purchase and Sale Agreement and Escrow Instructions attached as Attachment A and incorporated by reference.
- Section 3. The City Manager is authorized to implement the Agreement and to execute any necessary documents.
- Section 4. This Resolution is effective upon adoption.

The foregoing Resolution was considered by the City Council to the City of Kerman at a regular meeting of said Council held on the 29<sup>th</sup> day of November 2023, and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

The foregoing resolution is hereby approved.

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Maria Pacheco  
Mayor

ATTEST:

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Josie Camacho  
Deputy City Clerk

Attachment 'B'

**The First Amendment to Purchase Sale Agreement  
will be made available at the City Council meeting.**