

# CITY OF NORMAN, OK STAFF REPORT

**DATE:** 2/27/25

**TO:** Darrel Pyle, City Manager

**FROM:** Anthony Purinton, Assistant City Attorney

**SUBJECT:** Addendum #1 to contract K-2324-94 Disposition and Development Agreement Between the City of Norman Oklahoma and Milestone Property Development, LLC.

## BACKGROUND AND DISCUSSION:

The City of Norman received funding under the Coronavirus State and Local Fiscal Recovery Funds (SLFRF) program, as authorized by the American Rescue Plan Act (ARPA). The City allocated 6.4 million dollars of its SLFRF award to be used for Affordable Housing. On 11/14/23, Norman City Council entered into an Agreement with Milestone Property Development LLC to develop real property located on the NE Corner of Imhoff and Oakhurst for an affordable housing development using a combination of City SLFRF and Low Income Housing Tax Credit (LIHTC) funding.

The attached Addendum #1 extends the time period for closing and construction commencement for an additional sixty (60) days. The extension reflects the additional time that was needed for the Developers to negotiate more favorable terms with their selected tax credit equity partner. With that additional time for negotiation, the Developers were able to secure more tax credit equity, which benefits the overall economic viability of the project. While this additional time was beneficial to the project, it does require that the construction commencement date be pushed back so that the tax credit partnership can be finalized before closing on the property with the City.

## **RECOMMENDATION:**

Staff recommends approval of the Addendum #1 to contract K-2324-94.

#### **CONTRACT ADDENDUM**

THIS CONTRACT ADDENDUM, dated the 22<sup>th</sup> day of day of 2025 (the "Effective Date"), is between the City of Norman, Oklahoma, a municipal corporation ("City"), and Milestone Property Development, LLC, an Oklahoma limited liability company (along with any subsidiary companies or related companies controlled by Milestone Property Development, LLC, or its principals, used for financing or tax credit purposes, "Developer") (City and Developer, together, the "Parties").

WHEREAS, the Parties entered into a Disposition and Development Agreement ("DDA") on November 14, 2023, for the purpose of conveying certain property owned by the City to the Developer and imposing obligations on the Developer related to the development of a low- and moderate-income housing development on that property ("Project"); and

WHEREAS, after extensive negotiations by the Developer to find equity investors and financing providers for the Project, the Parties desire the amend the DDA to extend and clarify completion dates for the Project on the terms and conditions set forth below.

NOW, THEREFORE, in consideration of the Parties agreeing to amend their obligations in the existing DDA, and other valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

SECTION 1. Section 4 of the DDA (Construction Timelines), is hereby amended to read as follows:

#### 4. <u>CONSTRUCTION TIMELINES</u>.

Provided that all conditions precedent under this Agreement have been satisfied, construction of the Project shall commence on or before April 30, 2025 ("Commencement Date"), and shall be completed no later than October 31, 2026 ("Completion Date").

SECTION 2. Except as otherwise provided in this Addendum, all of the terms and conditions of the DDA, as amended by the prior adopted addenda, remain unchanged and in full force and effect.

SECTION 3. Capitalized terms not otherwise defined in this Addendum will have the meanings ascribed to them in the DDA, as amended.

[SIGNATURE PAGES FOLLOW]

IN WITNESS WHEREOF, the Developer has caused this Addendum to be duly executed in its name and behalf by its Manager.

MILESTONE PROPERTY DEVELOPMENT, LLC, an Oklahoma limited liability company

By:

Thomas A. Gorman, Manager

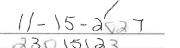
### ACKNOWLEDGEMENT

STATE OF OKLAHOMA ) COUNTY OF (ashing for ) SS.

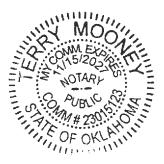
Before me, the undersigned, a Notary Public in and for said County and State, on this  $\underbrace{1}_{\text{COUSPV}}$ ,  $\underbrace{20 \,\underline{35}}_{\text{OPUSPV}}$ , personally appeared Tomas A. Gorman, to me known to be the identical person who executed the foregoing instrument as Manager of Milestone Property Development, LLC, an Oklahoma limited liability company, and acknowledged to me that he executed the same as his free and voluntary act for the uses and purposes therein set forth.

Witness my hand and official seal the day and year above written.

My Commission Expires: My Commission Number:



Notary Public



IN WITNESS WHEREOF, the City has caused this Addendum to be duly executed in its name and behalf by its City Manager.

CITY OF NORMAN, OKLAHOMA, a municipal corporation

hanno f By:

Shannon Stevenson, Assistant City Manager

City Clerk

| Reviewed for form and legality this $27$ day of <u>Feb.</u> | , 20 <u>25</u> |
|---|----------------|
| City Attorney   |                |

## ACKNOWLEDGEMENT

STATE OF OKLAHOMA ) ) ss. COUNTY OF CLEVELAND )

Before me, the undersigned, a Notary Public in and for said County and State, on this day of  $\underline{1021}$ , 2025, personally appeared Shannon Stevenson, to me known to be the identical person who executed the foregoing instrument as the Assistant City Manager of the City of Norman, Oklahoma, and acknowledged to me that she executed the same as her free and voluntary act on behalf of the City of Norman, Oklahoma, for the uses and purposes therein set forth.

Witness my hand and official seal the day and year above written.

Notary Public

My Commission Expires: My Commission Number:

| Nov 14   | 2025 |
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