



## Legislation Text

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**File #:** 20-359, **Version:** 1

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*Report Prepared by: Julie Nelson, Associate Planner, Development Services Department*

**SUBJECT:** Public Hearing to Consider Modifications Requested by Exposition Properties, LLC to the Pre-Annexation Development Agreement for the Absolute-Bright Annexation

### REPORT IN BRIEF

Considers modifications to the Pre-Annexation Development Agreement for the Absolute-Bright Annexation.

### RECOMMENDATION

**City Council** - Adopt a motion open the Public Hearing and continue the matter to the City Council meeting of October 5, 2020.

### ALTERNATIVES

1. Continue the public hearing to a future meeting (date to be specified in the motion); or,
2. Provide direction to staff regarding any other options as directed by City Council.

### AUTHORITY

Government Code Section 65868 and Merced Municipal Code Section 20.86 spell out procedures for adopting and amending Development Agreements.

### DISCUSSION

The Absolute-Bright Annexation was approved by City Council on April 17, 2006, and became effective December 12, 2006. This annexation included approximately 100 acres located on the east side of G Street, north of Cardella Road (Attachment 1). When the annexation was approved by City Council, a Pre-Annexation Development Agreement was also approved and signed by all parties involved at the time. These parties included the City of Merced as well as Absolute, LLC; Leeco, LLC; BP Investors, LLC; and Bright Development, A California Corporation. The Agreement has a term of 20 years and will expire on April 17, 2026. In 2008, in compliance with the terms of the agreement when there is an ownership change, interest in the agreement was transferred from Absolute, LLC to Exposition Properties, LLC.

Rick Telegan, on behalf of Exposition Properties, LLC, and Leeco, LLC, has requested to amend certain Exhibits to the Agreement. However, it is the City's position that all parties to the agreement must agree to any modifications. At this time, Bright Development has not agreed to the proposed modifications. Therefore, Mr. Telegan has requested this matter be continued to the City Council meeting of October 5, 2020 (see the e-mail at Attachment 2), to allow the parties more time to come to an agreement on the proposed modifications.

### City Council Action

The City Council should open the public hearing and after hearing any testimony on the matter, continue this matter to the City Council meeting of October 5, 2020.

### **IMPACT ON CITY RESOURCES**

There would be no impact on City resources with this request.

### **ATTACHMENTS**

1. Location Map
2. Email from Rick Telegan