

Before the Board of Supervisors County of Placer, State of California

Resol. No: 2015-234

In the matter of:

Adopt a resolution to authorize the Director of Public Works and Facilities, or designee, to execute a real estate consulting services agreement with a qualified broker for the disposition of the Kings Beach Center.

The following Resolution was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held November 3, 2015 by the following vote on roll call:

Ayes: DURAN, WEYGANDT, HOLMES, MONTGOMERY, UHLER

Noes: NONE

Absent: NONE

Signed and approved by me after its passage.


Chair, Board of Supervisors

Attest:


Clerk of said Board

WHEREAS, on September 17, 2014, the Successor Agency acquired sixteen parcels (Assessor's Parcel Numbers 090-126-021, -022, -024, -039, -040 and 090-133-003, -005, -006, -007, -008, -009, -011, -015, -016, -019, -021) in Kings Beach, California through a Deed in Lieu of Foreclosure, recorded in the Official Records of the County of Placer as Instrument No. 2014-0064550; and

WHEREAS, the Long-Range Property Management Plan (LRPMP), as approved by the Department of Finance on May 19, 2014, addresses the disposition and development of the real property formally owned by the Successor Agency for future development purposes consistent with redevelopment and community plans contemplated by Placer County and the former Placer County Redevelopment Agency; and

WHEREAS, on December 9, 2014, the Placer County Board of Supervisors approved Resolution No. 2014-238 accepting the conveyance of the Kings Beach Center. The Grant Deed was recorded in the Official Records of the County of Placer on December 31, 2014 as Instrument No. 2014-0094602; and

WHEREAS, since acquisition by the County, staff has carefully evaluated the disposition of the Kings Beach Center to provide the highest value for the property and to facilitate the project development as contemplated by the LRPMP, the County and the community.

NOW, THEREFORE, BE IT RESOLVED, that the County of Placer Board of Supervisors delegates authority to the Director of Public Works and Facilities, or designee, to enter into a real estate consulting services agreement pursuant to the Material Terms in Exhibit A with a qualified broker to provide real estate consulting services for the disposition of the Kings Beach Center Property, subject to Placer County Counsel approval.

RESOLUTION EXHIBIT A

**Material Terms for the Real Estate Consulting Services Agreement
Marketing of Property and Request for Information of Potential Developers
Kings Beach Center**

1. **Term:** The Non-exclusive Real Estate Consulting Services Agreement (Agreement) will be for one year or until one of the following occurs:
 - a. Final payment is made for real estate consulting services within the approved agreement amount.
 - b. Termination of the Request for Information (RFI) process for the properties by the County.
 - c. Broker may terminate its services of the agreement only upon good cause or upon the mutual agreement of the County, and shall provide 30 days advance written notice of any such intent to terminate.

2. **Services:** Broker shall provide real estate consulting services to the County for marketing and exposure of the Kings Beach Center in Kings Beach, California:
 - APNs: 090-126-021, -022, -024, -039, -040 and 090-133-003, -005, -006, -007, -008, -009, -011, -015, -016, -019, -021

The real estate consultant shall assist with marketing the property; hold specific property showings; attend public and Board of Supervisors meetings associated with the property; assist with evaluation of the potential developer information or qualifications; and assist with document preparation associated with the marketing of the property. Additionally, the broker may be asked to provide real estate brokerage services representing the interest of the County at the sole discretion of the County. The broker is not precluded from entering into a similar agreement with the Successor Agency if both the Agency and County decide to market the Everett (Town Center South) and the Kings Beach Center properties together.

1. **Real Estate Consulting Fee:** The broker shall be compensated on a time and materials basis according to an hourly consulting rate, pursuant to the Agreement. The compensation for real estate consulting services will not exceed \$20,000. If the broker identifies a qualified buyer/developer, the broker may be able to act as the broker for both the County and the buyer/developer, if both parties agree and pursuant to a separate Purchase and Sale Agreement, or Lease Agreement. In the event that a sales or lease agreement is consummated, the terms of the Agreement will require the broker to deduct from any sales commission due the broker, the amount paid for services provided to the County under the Agreement. If the buyer/developer is represented by a separate broker, the broker would agree to split 50/50 the real estate commission due. Any sale commission shall not exceed 6%. Any sale commission shall be deducted from the purchase price, less the consulting fee amount, upon and only in the event of, close of escrow or a lease.

Real Estate Consultant Authority: Except as specified in the real estate consulting agreement or in writing, the broker shall have no authority to act on behalf of the County in any capacity or have authority to bind the County.