RESOLUTION NO. 2007-634

Adopted by the Sacramento City Council

August 28, 2007

APPROVING AN ADDENDUM TO REIMBURSEMENT/CREDIT AGREEMENT2007-0049: AIRFIELD PARK (LW48)

BACKGROUND:

A. On January 23, 2007, Council adopted Resolution 2007-034, City Agreement 2007-0049, to establish the Airfield Park Improvement Program and the related Reimbursement / Credit Agreement with Beazer Homes Holding Corporation.

B. On January 26, 2007, Beazer Homes Holding Corporation provided a Letter of Credit for $3,786,750 to satisfy condition C100 (a) (iii) for the Natomas Field Tentative Subdivision Map.

C. On June 6, 2007, Beazer Homes Holding Corporation received a letter from the California Regional Water Quality Control Board's (RWQCB's) Central Valley Division that outlined the remediation work completed to date and stating that the site was suitable for residential development. In light of this and due to the financial burden of maintaining the Letter of Credit, Beazer Homes has requested that it be released.

D. Since ongoing remediation will continue for an undetermined period of time, until the RWQCB issues a "No Further Action" letter, and in order to protect the City's interests, an Addendum has been developed.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. The Addendum to the Reimbursement / Credit Agreement for Airfield Park (LW48), City Agreement No. 2007-0049, is approved.

Adopted by the City of Sacramento City Council on August 28, 2007 by the following vote:

Ayes: Councilmembers, Cohn, Fong, Hammond, McCarty, Pannell, Sheedy, Tretheway, Waters and Mayor Fargo.

Noes: None.

Abstain: None.

Absent: None.

Heather Fargo

Mayor Heather Fargo

Attest:

for Dawn Bullwinkel

Shirley Concolino, City Clerk