

RESOLUTION NO. 6040

A RESOLUTION APPROVING FIFTH AMENDMENT TO REDEVELOPMENT AGREEMENT WITH HARTFORD COMMONS, LLC FOR THE REDEVELOPMENT OF TDA OWNED PROPERTY LOCATED NEAR THE SOUTHEAST CORNER OF GREENWOOD AVENUE AND SECOND STREET, TULSA, OKLAHOMA.

WHEREAS, the **TULSA DEVELOPMENT AUTHORITY** (“Authority”), in carrying out its authorized programs has selected **HARTFORD COMMONS, LLC**, (“Redeveloper”) for redeveloped of the real estate described on Attachment “A” (the Property) attached hereto for urban residential apartment housing uses with off-street parking in accordance with the provisions of a Contract For Sale Of Land For Private Redevelopment (“Redevelopment Contract”) between Authority and Redevelopers, the 2010 Tulsa Comprehensive Plan (“PlaniTulsa”), the Downtown Area Master Plan, the Urban Renewal Plan for the area in which said real estate is situated and applicable codes of the City of Tulsa; and

WHEREAS, a First Amendment to the Redevelopment Contract was approved by the TDA Board of Commissioners and effective as of August 8, 2013, a Second Amendment to the Redevelopment Contract was approved by the TDA Board of Commissioners and effective as of November 14, 2013, a Third Amendment to the Redevelopment Contract was approved by the TDA Board of Commissioners and effective as of July 2, 2014 and a Fourth Amendment to the Redevelopment Contract was approved by the TDA Board of Commissioners and effective as of August 14, 2014; and,

WHEREAS, the Purchaser has requested that the said Contract be further amended: (1) for TDA to permit, consent to and authorize the installation, maintenance and repair of access sidewalks by Purchaser across certain TDA owned real property described on Attachment “B” located between the Property comprising the Hartford Commons project and South Greenwood Avenue, Tulsa, Oklahoma and (2) to extend the closing date to a date on or before December 31, 2014; and

WHEREAS, the Board of Commissioners of the Tulsa Development Authority has determined that it is in the best interest of it, the City of Tulsa and the general public to approve and execute a Fifth Amendment of Contract For Sale Of Land For Private Redevelopment (attached hereto as Attachment “C”) with Redeveloper in the form attached hereto of even date and subject to all terms and conditions set forth therein; and


NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TULSA DEVELOPMENT AUTHORITY, to-wit:

Section 1. That the Chairman of the Board of Commissioners of the Tulsa Development Authority, shall be and he is hereby authorized to execute said Fifth Amendment to Contract For Sale Of Land For Private Redevelopment in the form attached hereto as Attachment “C” for the redevelopment of the real estate described on Attachment “A” hereto, subject to all terms and conditions set forth therein..

Section 2. This Resolution shall take effect immediately

PASSED and **ADOPTED** this 11th day of December, 2014.

TULSA DEVELOPMENT AUTHORITY

By: 
Julius Pegues, Chairman

Approved as to legal form and adequacy:


Jot Hartley, General Counsel

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llc- 12-11-14 meeting.rtf

ATTACHMENT A

LEGAL DESCRIPTION

A TRACT OF LAND THAT IS PART OF BLOCK 111 AND THE PART OF THE VACATED ALLEYWAY WITHIN BLOCK 111, PART OF LOTS 3, 4 AND 5 IN BLOCK 112 AND PART OF THE VACATED ALLEYWAY WITHIN BLOCK 112 AND PART OF VACATED SOUTH HARTFORD AVENUE LYING BETWEEN BLOCKS 111 AND 112, ALL IN THE ORIGINAL TOWN OF TULSA, CITY OF TULSA, TULSA COUNTY, OKLAHOMA, ACCORDING TO THE OFFICE PLAT THEREOF, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

BEGINNING AT THE NORTHWESTERLY CORNER OF SAID BLOCK 111; THENCE N 66°45'00" E ALONG THE NORTHERLY LINE OF BLOCK 111 FOR 40.00 FEET FOR A POINT OF BEGINNING; THENCE N 66°45'00" E ALONG THE NORTHERLY LINE OF BLOCK 111 FOR 260.00 FEET TO THE NORTHEASTERLY CORNER OF BLOCK 111; THENCE CONTINUING N 66°45'00" E ALONG THE NORTHEASTERLY EXTENSION OF SAID NORTHERLY LINE FOR 80.00 FEET TO THE NORTHWESTERLY CORNER OF BLOCK 112; THENCE CONTINUING N 66°45'00" E ALONG THE NORTHERLY LINE OF BLOCK 112 FOR 266.00 FEET TO THE NORTHEASTERLY CORNER OF BLOCK 112; THENCE S 00°03'58" W ALONG THE EASTERLY LINE OF SAID LOT 5 IN BLOCK 112 FOR 58.04 FEET TO A POINT THAT WAS DESCRIBED IN PREVIOUS DEEDS AS BEING 9.00 FEET FROM A SPUR TRACK (THERE IS NO VISIBLE EVIDENCE OF SPUR TRACK); THENCE WESTERLY ALONG A CURVE TO THE LEFT AS DEFINED ON A PLAT OF SURVEY PREPARED BY HAMMOND ENGINEERING DATED OCTOBER 16, 1990, SAID CURVE HAVING CENTRAL ANGLE OF 19°03'07" WITH A RADIUS OF 462.00 FEET FOR AN ARC LENGTH OF 153.62 FEET WITH A CHORD BEARING OF S 63°13'33" W FOR A CHORD LENGTH OF 152.92 FEET TO A POINT, SAID POINT BEING PREVIOUSLY DEFINED AS BEING 9.00 FEET FROM SAID SPUR TRACK; THENCE S 23°15'00" E AND PARALLEL WITH THE WESTERLY LINE OF BLOCK 112 FOR 87.30 FEET TO A POINT ON THE CENTERLINE OF SAID VACATED ALLEYWAY; THENCE S

66°45'00" W ALONG SAID CENTERLINE FOR 90.40 FEET TO A POINT ON THE WESTERLY LINE OF BLOCK 112 AND THE EASTERLY RIGHT-OF-WAY LINE OF VACATED SOUTH HARTFORD AVENUE; THENCE S 23°15'00" E ALONG SAID EASTERLY AND WESTERLY LINES FOR 70.00 FEET; THENCE S 66°45'00" W FOR 340 FEET; THENCE N 23°15'00" W ALONG THE WESTERLY LINE OF BLOCK 111 FOR 220.00 FEET TO THE POINT OF BEGINNING OF SAID TRACT OF LAND.

Project Name: Hartford Commons

A/K/A ADDRESS: TDA Disposition #

ATTACHMENT B

LEGAL DESCRIPTION

TRACT 2: The Westerly Forty (40) feet of Lots Five (5), Six (6) and Seven (7) of Block 111; all in the Original Town Addition to the City of Tulsa, Tulsa County, State of Oklahoma according to the recorded plat thereof.

**FIFTH AMENDMENT TO CONTRACT FOR SALE OF LAND FOR
PRIVATE REDEVELOPMENT BETWEEN TULSA DEVELOPMENT
AUTHORITY AND HARTFORD COMMONS, LLC**

THIS FIFTH AMENDMENT is made and entered into by and between the Tulsa Development Authority (“TDA”), a public body corporate, having its principal office at 1216 N. Lansing Ave., Suite A, Tulsa, Oklahoma 74106, and **HARTFORD COMMONS, LLC** (hereinafter called "Purchaser"), whose mailing address is: 224 E. 8th Street, Tulsa, Oklahoma 74119, effective from the date of execution hereafter shown constitutes the Fifth Amendment to that certain Contract for Sale of Land for Private Redevelopment (“Contract”) dated as of the 7th day of March, 2013.

W I T N E S S E T H:

WHEREAS, heretofore the parties hereto on the 7th day of March, 2013, entered into a Contract for Sale of Land for Private Redevelopment (Contract) for the redevelopment of the real property more particularly described on Attachment “A” to said Contract (“Property”) for and in accordance with the uses specified in the Urban Renewal Plan and the provisions of the Contract which include Minimum Project Requirements for Redevelopment as set forth in Section 5(d) thereof; and,

WHEREAS, a First Amendment to the Redevelopment Contract was approved by the TDA Board of Commissioners and effective as of August 8, 2013, and a Second Amendment to the Redevelopment Contract was approved by the TDA Board of Commissioners and effective as of November 14, 2013; a Third Amendment to the Redevelopment Contract was approved by the TDA Board of Commissioners and effective as of July 2, 2014 and a Fourth Amendment to the Redevelopment Contract was approved by the TDA Board of Commissioners and effective as of August 14, 2014,

WHEREAS, the Purchaser the Purchaser has requested that the said Contract be further amended: (1) for TDA to permit, consent to and authorize the installation, maintenance and repair of access sidewalks by Purchaser across certain TDA owned real property described on Attachment “B” located between the Property comprising the Hartford Commons project and South Greenwood Avenue, Tulsa, Oklahoma and (2) to extend the closing date to a date on or before December 31, 2014; and

WHEREAS, the Board of Directors of TDA has determined that the approval of the further amendment requested by the Purchaser is in the best interest of the TDA, the City of Tulsa and the citizens of the City of Tulsa.

NOW, THEREFORE, in consideration of the mutual promises, covenants and conditions set forth herein, the parties hereto do hereby agree as follows:

1. The Contract shall be further amended to provide: the Purchaser has requested that the said Contract be further amended: (1) for TDA to permit, consent to and authorize the installation, maintenance and repair of access sidewalks by Purchaser across certain TDA owned real property described on Attachment “B” located between

the Property comprising the Hartford Commons project and South Greenwood Avenue, Tulsa, Oklahoma and (2) to extend the closing date to a date on or before December 31, 2014.

2. All other terms and provisions of the Redevelopment Agreement shall remain the same unless expressly amended herein and the parties hereto hereby ratify and confirm all other terms and conditions set forth in said Redevelopment Agreement.

3. This Fifth Amendment to Redevelopment Agreement is executed on and effective as of the 11th day of December, 2014.

**TULSA DEVELOPMENT AUTHORITY,
TDA - Seller**

By: _____
Julius Pegues, Chairman

HARTFORD COMMONS, LLC, Purchaser

By: _____
Casey Stowe, Manager

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