

RESOLUTION NO. 09-07

RESOLUTION OF THE MEMBERS OF THE RICHMOND COMMUNITY REDEVELOPMENT AGENCY BOARD, RICHMOND, CALIFORNIA AUTHORIZING AN AMENDMENT TO A LEGAL SERVICES AGREEMENT WITH SHUTE, MIHALY & WEINBERGER, LLP FOR LEGAL SERVICES RELATING THE "TERMINAL ONE" PROJECT.

WHEREAS, upon the advice of the Agency Attorney, on September 1, 2008, the Agency and Shute, Mihaly & Weinberger, LLP entered into that certain Agreement for Legal Services ("Original Agreement") for representation in connection with federal court litigation captioned Toll Bros., Inc. v. City of Richmond, et al, N.D. Cal. No CV 08 3682 SI, concerning alleged violations of a Land Disposition Agreement ("LDA") that the parties entered into in October 2003 for the disposition of the Terminal One property; and

WHEREAS, on November 25, 2008, after the City and Agency filed a demurrer to the federal court case, Toll Bros. Inc. dismissed said case and filed a similar lawsuit in the Contra Costa County superior court captioned Toll Bros., Inc. v. City of Richmond, et al, Case No. 08-02910; and

WHEREAS, the Agency Board has determined that it is in the best interests of the Agency to amend the Legal Services Agreement with Shute, Mihaly & Weinberger, LLP for legal services associated with Terminal One and the Toll Bros., Inc. lawsuit in order to continue to defend the interests of the Agency, including in mediation, settlement discussions and a pending demurrer to the State court complaint..

NOW, THEREFORE, BE IT RESOLVED, that the Agency Board hereby authorizes the Executive Director to execute an Amendment to the Legal Services Agreement with Shute, Mihaly & Weinberger, LLP, for \$75,000, bringing the total not to exceed contract amount to \$124,999, for legal services related the Terminal One project and the defense of Toll Bros. Inc.'s lawsuit.

I certify that the foregoing Resolution was passed and adopted by the Richmond Community Redevelopment Agency Board at a meeting held on March 3, 2009 by the following vote:

AYES: Boardmembers Bates, Butt, Ritterman, Rogers, Viramontes, Vice Chairperson Lopez, and Chairperson McLaughlin.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

DIANE HOLMES
Clerk of the Redevelopment Agency

[SEAL]

Approved:

GAYLE McLAUGHLIN
Agency Chairperson

Approved as to form:

RANDY RIDDLE
Agency Attorney

State of California }
County of Contra Costa : ss.
City of Richmond }

I certify that the foregoing is a true copy of Resolution No. 09-07, finally passed and adopted by the Redevelopment Agency at a meeting held on March 3, 2009.