



MEMORANDUM

Council Agenda
Item No. IX. AR
9/26/2023

The City of OKLAHOMA CITY

TO: Mayor and City Council

FROM: Craig Freeman, City Manager

Third Amendment to the First National Center Redevelopment Project Economic Development Agreement for the Garage Component, extending the Opt-Out Notice deadline to July 1, 2024. Ward 6.

Location:

120 North Robinson Avenue

Purpose:

To extend the time until July 1, 2024 for the Affiliate Leverage Lender to exercise its unconditional right to elect to opt out of the Incentive Loan Option and to continue receiving the Ad Valorem Development Incentive payments.

Background:

The City, the Trust, NE CS First National, LP, a Delaware limited partnership ("Parent Developer"), NE CS FNC Garage, LLC, an Oklahoma limited liability company ("Garage Owner"), and FNC Garage Lender, LLC, an Oklahoma limited liability company and an Affiliate of Parent Developer ("Affiliate Leverage Lender"), entered into the First National Center Redevelopment Project Economic Development Agreement for the Garage Component (the "Garage Economic Development Agreement") effective October 24, 2017. The agreement was subsequently amended on September 29, 2020 wherein the Trust and The City consented to and approved the ownership and any management control that Trident NE First National, LLC or any of its affiliates (collectively "Trident") has, or may have, in Parent Developer.

The parties amended the Garage Economic Development Agreement on May 10, 2022 to provide an extension of time until March 31, 2023, for the Affiliate Leverage Lender to exercise its unconditional right to elect to opt out of the Incentive Loan Option and to continue receiving the Ad Valorem Development Incentive payments. This amendment authorizes a second extension to July 1, 2024, which will provide for the Incentive Loan Option through maturity of the current NMTC Leverage Loan.

Review:

Finance – Economic Development

Recommendation: Amendment be approved.