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**RECORDING REQUESTED BY:**

City of Fresno  
No Fee-Gov't. Code Sections  
6103 and 27383

**WHEN RECORDED, MAIL TO:**

City of Fresno  
2600 Fresno Street  
Fresno, CA 93721  
Attention: City Manager



**2022-0074161**

FRESNO County Recorder  
Paul Dictos, CPA

Friday, Jun 03, 2022 02:17:44 PM

Titles: 1                      Pages: 8

Fees:	\$0.00
CA SB2 Fee:	\$0.00
Taxes:	\$0.00
Total:	\$0.00
CITY OF FRESNO	

(SPACE ABOVE THIS LINE FOR RECORDER'S USE)

**FIRST AMENDMENT TO DISPOSITION AND DEVELOPMENT AGREEMENT**

by and between

CITY OF FRESNO,  
a municipal corporation

and

METRO HOSPITALITY SERVICES, INC.

M and Inyo Streets  
Hilton or Marriot  
Fresno, California 93721

**FIRST AMENDMENT TO  
DISPOSITION AND DEVELOPMENT AGREEMENT**

THIS FIRST AMENDMENT TO DISPOSITION AND DEVELOPMENT AGREEMENT (Amendment) is entered as of March 14, 2022 (Effective Date), between the CITY OF FRESNO, a municipal corporation, (City) and METRO HOSPITALITY SERVICES, INC. (Developer).

RECITALS

A. WHEREAS, the parties entered into a Disposition and Development Agreement (the Agreement) effective December 18, 2017, and recorded on December 21, 2017, as Document Number 2017-0164954 in the Office of the Fresno County Recorder; and

B. WHEREAS, the Agreement set forth terms and conditions for Developer to purchase the Property from the City and develop it privately as a Hilton or Marriot multi-story hotel with 200 rooms; and

C. WHEREAS, the parties wish to amend the terms of the Agreement to extend certain deadlines in the performance schedule and revise the scope of development and basic design of the hotel.

NOW, THEREFORE, BE IT RESOLVED, that the parties hereby amend the terms of the Agreement as follows:

1. All references in the Agreement regarding a 200-room hotel shall be changed to reflect a 144-room hotel.

2. The Scope of Development and Basic Design (Exhibit "B" attached to the Agreement) is hereby deleted in its entirety and replaced with the "Revised Exhibit "B" – Amendment" attached to this Amendment.

3. The Performance Schedule (Exhibit "C" attached to the Agreement) is hereby deleted in its entirety and replaced with the "Revised Exhibit "C" –Amendment" attached to this Amendment.

4. Capitalized terms used herein and not otherwise defined shall have the meaning given to such terms in the Agreement.

5. Except as expressly set forth herein, the terms and conditions of the Agreement shall remain in full force and effect.

6. In the event of a conflict between this Amendment and the Agreement, the terms of this Amendment shall control.


7. In the event this Amendment is not executed by the Developer and delivered to City within ten days of City Council approval, this Amendment shall be null and void.


[SIGNATURE PAGE TO FOLLOW]

IN WITNESS WHEREOF, City and Developer have signed this Amendment effective as of the date first above written.

CITY OF FRESNO,  
a municipal corporation

METRO HOSPITALITY SERVICES, INC.

By:   
Georgeanne White,  
City Manager

By:   
Tehal Thandi,  
President and Secretary

(Attach notary certificate of acknowledgment)

(Attach notary certificate of acknowledgment)

APPROVED AS TO FORM:  
Douglas T. Sloan  
City Attorney

By:   
Tracy N. Parvanian                      Date  
Senior Deputy City Attorney      3-14-22

ATTEST:  
TODD STERMER, CMC  
City Clerk

By:       3/15/22  
Deputy  
BEHROOZ GAVEZ

Attachment:  
Revised Exhibit "B" Amendment - Scope of Development and Basic Design effective March 10, 2022  
Revised Exhibit "C" Amendment – Performance Schedule effective March 10, 2022

**CLERK'S CERTIFICATION**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document

State of California     )  
County of Fresno     )

On March 15, 2022 before me, Bernard Canez, Deputy City Clerk, personally appeared, Georgeanne A. White, City Manager, City of Fresno, who proved to me on the basis of satisfactory evidence, to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

*I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.*

WITNESS my hand and official seal

Todd Stermer, CMC  
City Clerk, City of Fresno



By Ba/Sy  
Bernard Canez, Deputy

## ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of FRESNO )

On March 14, 2022, before me, ANNA G. GUERRA, NOTARY PUBLIC  
(insert name and title of the officer)

personally appeared Tehal Thandi,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

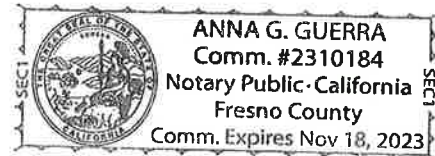
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature



(Seal)



*First Amendment to Disposition and Development Agreement*

**REVISED EXHIBIT "B" – Amendment  
Effective March 10, 2022**

**SCOPE OF DEVELOPMENT  
AND BASIC DESIGN**

Construction of a 144-room hotel, floors 2nd to 5th, consisting of 36 rooms each, will be built. 1st floor will consist of a vestibule, lobby enclosed swimming pool, fitness center, meeting rooms, lounge, bar/bistro and back of house.

Valet parking will be offered to all guests. Hotel will utilize the City of Fresno parking garage located on "O" St and Inyo; a separate agreement is in place for the parking.

Public access will be located on "M" St.

The Courtyard will provide a landscaped terrace with social gathering areas for the guests open to the mild spring/fall weather and the Fresno skyline. All rooms above and backing onto the terrace will have interior views of the Courtyard.

Basic Design is on file with the City of Fresno and available through City of Fresno Development Permit Application No. P21-01109.

**REVISED EXHIBIT "C" –AMENDMENT**  
**Performance Schedule effective March 10, 2022**

<u>Items Completed</u>	<u>Time for Performance</u>	<u>Completion Date</u>
City of Fresno City Council consideration of Disposition and Development Agreement (DDA)		Completed
Execution of DDA	Within fifteen days after approval of DDA by City Council and receipt and approval of insurance certificates and receipt of executed documents from Developer.	Completed
Escrow Opens	Within three days following the effective date of the DDA	
Submission of Building Plans for Planning and Building Review		Completed
Escrow Closes	Within thirty days of approval of all land use and other entitlements, permits, and approvals that City or any other governmental agency with jurisdiction over the Project requires for construction of the Project.	Completed
Commencement of Construction of Developer's Improvements. Within thirty days after receipt of building permits by the Developer, construction shall commence on the improvements to be constructed on the Project Site.		June 2022

<p>Completion of Construction of Developer's Improvements. The Developer shall complete construction of the improvements to be constructed on the Project Site.</p>		<p>December 2024</p>
<p>Issuance – Certificate of Completion. City shall furnish the Developer with a Certificate of Completion on the Project.</p>	<p>Promptly after completion of all construction and upon written request thereof by the Developer.</p>	<p>February 2025</p>