

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



(SPACE ABOVE THIS LINE FOR RECORDER'S USE)

FOURTH AMENDMENT TO DISPOSITION AND DEVELOPMENT AGREEMENT

by and between

CITY OF FRESNO,
a municipal corporation

and

METRO HOSPITALITY SERVICES, INC.

M and Inyo Streets
Courtyard By Marriott Downtown Fresno
Fresno, California 93721

FOURTH AMENDMENT TO DISPOSITION AND DEVELOPMENT AGREEMENT

THIS FOURTH AMENDMENT TO DISPOSITION AND DEVELOPMENT AGREEMENT (FOURTH Amendment) is entered as of June 30, 2026 (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 Marriott multi-story hotel with 200 rooms; and

C. WHEREAS, the parties entered into a First Amendment to the Agreement (First Amendment) to extend certain deadlines in the performance schedule and reduce the 200-room hotel to reflect a 144-room hotel on March 14, 2022, and recorded on June 3, 2022, as Document Number 2022-0074161 in the Office of the Fresno County Recorder; and

D. WHEREAS, the parties entered into a Second Amendment to the Agreement (Second Amendment) to extend certain deadlines in the performance schedule due to significant construction delays from unforeseen weather conditions and residual supply chain disruptions stemming from the pandemic, effective January 31, 2025, and recorded on February 13, 2025, as Document Number 2025-0016769 in the Office of the Fresno County Recorder; and

E. WHEREAS, the parties entered into a Third Amendment to the Agreement (Third Amendment) to extend deadlines in the performance schedule due to delays with onsite modifications to accommodate existing site conditions, including, but not limited to, the relocation of drainage piping, effective December 31, 2025, and recorded January 8, 2026, as Document Number 2026-0001716 in the Office of the Fresno County Recorder; and

F. WHEREAS, the parties wish to amend the terms of the Agreement to extend deadlines in the performance schedule due to additional construction delays resulting from restricted access to downtown infill site, relocation/modification of existing traffic control infrastructure and compliance/installation of the Emergency Responder Communication Enhancement System.

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

1. The Performance Schedule (Revised Exhibit "C" attached to the Third Amendment) is hereby deleted in its entirety and replaced with the "Revised Exhibit "C" – Fourth Amendment" attached hereto.

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

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

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

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 A. White,
City Manager

Signed by:
By: Tehal Thandi _____
Tehal Thandi,
President and Secretary

(Attach notary certificate of acknowledgment)

(Attach notary certificate of acknowledgment)

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

Signed by:
By: Talia Kolluri for _____ 6/10/2026
Tracy N. Palva
Assistant City Attorney Date

ATTEST:
AMY K. ALLER
City Clerk

By: _____
Deputy

Attachment:
Revised Exhibit "C" – Fourth Amendment – Performance Schedule

**REVISED EXHIBIT “C” – FOURTH AMENDMENT
Performance Schedule effective June 30, 2026**

<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.		Completed
Substantial Completion of Construction of Developer’s Improvements. The Developer shall substantially complete construction of the improvements to be constructed on the Project Site.		July 30, 2026
Issuance – Certificate of Completion. City shall furnish the Developer with a Certificate of Completion on the Project.	Promptly after completion of all construction and upon written request thereof by the Developer.	October 28, 2026