

RESOLUTION NO. 2014 – 03

RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO  
THE COMMUNITY DEVELOPMENT COMMISSION AS  
THE NATIONAL CITY REDEVELOPMENT AGENCY  
APPROVING THE SECOND AMENDMENT TO  
THE AGREEMENT FOR LEGAL SERVICES BETWEEN  
THE SUCCESSOR AGENCY AND CHRISTENSEN & SPATH, LLP,  
TO INCREASE THE NOT TO EXCEED AMOUNT BY \$75,000

WHEREAS, on December 7, 2010, the Community Development Commission of the City of National City (“CDC”) and the law firm of Christensen & Spath entered into a two-year Agreement for the total amount of \$150,000, wherein the Firm agreed to provide litigation support, and legal services for real estate transactions for both market rate and affordable housing redevelopment projects, as well as commercial and industrial projects; and

WHEREAS, on October 30, 2012, the Successor Agency adopted Resolution No. 2012-24 to extend the term of the Agreement for an additional two years (expiring December 6, 2014), and to increase the not to exceed amount by \$125,000; and

WHEREAS, Christensen & Spath currently represents the Successor Agency in the litigation matter of Morgan Square, (Superior Court Case No. 37-2013-00054606-CU-OR-CTL), and is assisting with ongoing legal aspects of the WI-TOD Project; and

WHEREAS, the Parties desire to amend the Agreement to increase the not to exceed amount by \$75,000; and

WHEREAS, this Second Amendment will require the approval of the Oversight Board to the Successor Agency and the California Department of Finance prior to being effective.

NOW, THEREFORE, BE IT RESOLVED that the Successor Agency to the Community Development Commission as the National City Redevelopment Agency hereby authorizes the Chairman to execute a Second Amendment to the Agreement by and between the Successor Agency and Christensen & Spath, LLP, to increase the not to exceed amount by \$75,000. Said Second Amendment to the Agreement is on file in the office of the City Clerk.

--- SIGNATURE PAGE TO FOLLOW ---

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NOW, THEREFORE, BE IT RESOLVED that the foregoing Resolution 2014-03 was duly and regularly adopted at a regular meeting of the Oversight Board to the Successor Agency to the Community Development Commission as the National City Redevelopment Agency held on the 16<sup>th</sup> day of April 2014, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:



Ron Morrison, Chairman

ATTEST:



Brad Raulston, Executive Director  
Secretary to the Oversight Board

APPROVED AS TO FORM:



Oversight Board Counsel  
Edward Z. Kotkin, Esq.  
Law Offices of Edward Z. Kotkin

**SECOND AMENDMENT TO AGREEMENT  
BY AND BETWEEN  
THE SUCCESSOR AGENCY TO  
THE COMMUNITY DEVELOPMENT COMMISSION AS  
THE NATIONAL CITY REDEVELOPMENT AGENCY,  
AND  
CHRISTENSEN & SPATH, LLP**

This Second Amendment to the Agreement is entered into this 1st day of April, 2014, by and between THE SUCCESSOR AGENCY TO THE COMMUNITY DEVELOPMENT COMMISSION AS THE NATIONAL CITY REDEVELOPMENT AGENCY, a public body, corporate and politic (the "SUCCESSOR AGENCY") (formerly the Community Development Commission of the City of National City, a public body (the "CDC")), and CHRISTENSEN & SPATH, LLP, (the "FIRM").

**RECITALS**

- A. The CDC and the FIRM (the "Parties") entered into a two-year Agreement on December 7, 2010, (the "Agreement") wherein the FIRM agreed to provide legal services, as and when requested by the CDC, involving issues of affordable housing, redevelopment law, and related litigation, if requested, in the amount of \$150,000, and subject to the terms of the Agreement.
- B. Due to the dissolution of redevelopment agencies by the State of California, the Successor Agency adopted Resolution No. 2012-24, approving a First Amendment between the SUCCESSOR AGENCY TO THE COMMUNITY DEVELOPMENT COMMISSION AS THE NATIONAL CITY REDEVELOPMENT AGENCY (the "SUCCESSOR AGENCY") and Christensen & Spath to extend the term of the Agreement for an additional two years, expiring on December 6, 2014.
- C. The affordable housing responsibilities remained under the CDC as the "CDC-HA".
- D. The FIRM currently represents the SUCCESSOR AGENCY in the litigation matter of Morgan Square, (Superior Court Case No. 37-2013-00054606-CU-OR-CTL), and is currently assisting with ongoing legal aspects of the WI-TOD Project.
- E. The FIRM currently provides legal services to the CDC-HA in affordable housing matters.
- F. The Parties desire to amend the Agreement to increase the not to exceed amount by \$75,000.
- G. This Second Amendment will require the approval of the Oversight Board to the Successor Agency and the California Department of Finance prior to being effective.

NOW, THEREFORE, the parties hereto agree that the Agreement entered into on December 7, 2010, shall be amended by an amendment to Article 3 (Compensation), Section C of the Agreement by increasing the not-to-exceed amount by \$75,000.

THE PARTIES FURTHER AGREE that with the foregoing exception, each and every term and provision of the Agreement dated December 7, 2010, shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Second Amendment to the Agreement on the date and year first above written.

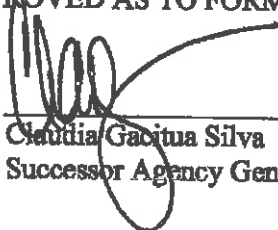
**SUCCESSOR AGENCY TO THE  
COMMUNITY DEVELOPMENT  
COMMISSION AS THE NATIONAL CITY  
REDEVELOPMENT AGENCY**

By:   
Ron Morrison, Chairman

**CHRISTENSEN & SPATH, LLP**

By:   
Charles Christensen, Esq.

APPROVED AS TO FORM:

By:   
Claudia Gacitua Silva  
Successor Agency General Counsel