

Summary of Land Development Agreement between the City of Dover and First Street at Garrison, LLC

Purchase Price: \$202,000

Closing Date: On or before March 20, 2014

Deposit: \$20,000.00 (credited towards purchase price at closing)

Due Diligence: Developer to complete by December 1, 2013, at their cost.

Public Improvements: \$120,000.00 minimum expenditure on improvements for public benefit, the Developer shall be required to light, maintain, repair and replace, at its sole cost and expense, any and all public improvements required for the Project

Surety for City:

- Fines for not meeting permit request dates: \$100.00 per day
 - If it exceeds 60 days, the Agreement shall be null and void.
- Developer has until February 11, 2014 days to receive financing commitment and 60 days to satisfy any conditions
 - If it exceeds 60 days, the Agreement shall be null and void.
- A Performance Mortgage shall be established as a security deposit for failure to commence construction of the improvements in Phase 1 and Phase 2
- Financial surety in an amount equal to all construction financing for each phase shall be posted, prior to issuance of a building permit.
- Financial surety for the public improvements monies in an amount equal to 115% of the cost must be provided if work is not complete prior to Certificate of Occupancy.
- Tax Guarantee.
 - Beginning with tax year 2016 \$4,500,000.00 in a Assessed Value must be provided
 - Beginning with tax year 2020 \$12,250,000.00 in a Assessed Value must be provided
- If Tax Shortfalls exist, the Developer must make up the shortfall.
- Performance Mortgage shall be in place to secure the tax guarantee
- Performance Mortgage for each phase, shall be in place to secure the construction
- Re-Conveyance of Project Site should work commence, but not be completed

Other Items:

- The water and sewer investment fees to be paid in three equal installments per phase
- Developer may relocate or encase the sanitary sewer line beneath the property
- All impact fees shall be paid on or before the Certificate of Occupancy is granted
- The City shall conduct a Phase II environmental assessment of the parcel, prior to transfer
- The parcel is to be subdivided, and conveyed as two parcels
- The City shall convey an easement over a portion of First Street for parking for the Developer, the Developer shall relocate infrastructure and create parking spaces along the northerly side of First Street for the public
- The Developer has the right to 30 off street parking permits with completion of Phase 2, proximate to the Project Site

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Approximate Project Schedule

Phase 1-Dev

6/20/13-8/31/13	City to perform and complete Phase 2-Dev Environmental Study of property
7/24/13	City Council Approval of Development Agreement
9/10/13	City's Right to Withdraw from Development Agreement expires
9/1/13-1/1/14	Prepare Design Plans for Phase 1-Dev improvements (architectural and engineering)
9/1/13-2/1/14	Financing Process
1/2/14	File Site Review Applications with Planning Board and NHDES (Site Review Revenue: \$10,000)
2/11/14	Expiration of Inspection Period
2/1/14	Delivery of Preliminary Financing Commitment Letter – Phase 1-Dev
2/11/14	Planning Board Approval/State and federal permitting process
3/11/14	Expiration of 30-Day Appeal Period
3/20/14	Closing
4/30/14	Begin construction on Phase 1-Dev/Issuance of building permits (Approximate Building/Electrical/Mechanical permit revenue: \$70,000)
1/1/15	First of three annual payments on Water/Sewer Investment Fees
12/1/15	Phase 1-Dev Tax Guarantee begins (Assessed at greater than or equal to \$4.5M. Approximately, \$115K in property tax revenue at current rate)
12/15/15	Completion of Phase 1-Dev, delivery of certificates of occupancy for buildings in Phase 1-Dev, payment of any Impact Fees due

Phase 2-Dev

6/1/17-9/1/17	Prepare Design Plans for Phase 2-Dev improvements
10/1/17	File Planning Board Application (Site Review Revenue: \$10,000)
12/1/17	Delivery of Preliminary Financing Commitment Letter – Phase 2-Dev
10/1/17 – 2/1/18	Planning Board Approval/State and federal permitting process
3/1/18-4/1/18	Financing Process – Phase 2-Dev
3/1/18	Expiration of 30-Day Appeal Period
7/1/18	Begin Construction on Phase 2-Dev/ Issuance of building permit (Approximate Building/Electrical/Mechanical permit revenue: \$140,000)
12/1/19	Phase 1-Dev/Phase 2-Dev Tax Guarantee begins (Assessed at greater than or equal to \$12.25M. Approximately, \$313K in property tax revenue at current rate)
1/1/20	First of three annual payments on Water/Sewer Investment Fees
11/1/20	Delivery of certificates of occupancy for buildings in Phase 2-Dev, payment of any Impact Fees due; Developer may leases up to 30 off street parking permits from City