

**AGREEMENT
BETWEEN
ASIA PACIFIC CULTURAL CENTER AND
CITY OF TACOMA**

THIS AGREEMENT, made and entered into as of the _____ day of _____, 2019 (“Effective Date”), by and between the **CITY OF TACOMA**, a municipal corporation of the State of Washington (herein “City”), and **Asia Pacific Cultural Center**, a Washington state nonprofit corporation (herein “APCC”) (collectively “parties”);

In consideration of the mutual promises and obligations hereinafter set forth, the parties hereto agree as follows:

1. BACKGROUND.

Asia Pacific Cultural Center (APCC) serves as an interactive cultural crossroads between local and international communities. APCC is a 501(c)3 non-profit organization formed in November 1996 from the vision of a small group of citizens representing three generations of Americans from Asian and Pacific Islander heritage. APCC represents 47 countries and cultures, offering programs and services honoring their distinct artistry, business protocols, history and social practices. Asian American, Native Hawaiian, and Pacific Islander communities are some of the fastest growing in the Puget Sound area, and these households within our diverse communities will need resources and representation for decades to come. The Board of Directors at APCC consists of numerous community leaders and cultural advocates from around the region.

APCC provides interactive arts and cultural activities that engage the community, promote a greater understanding of the Asian and Pacific Islander cultures, and help people embrace the rich diversity of our city. They offer a wide range of activities including hands-on workshops, classes and educational booths, as well as large-scale cultural exhibitions and festivals. Participants learn from and interact with Cultural Interpreters who are from these countries, speak the language and are highly experienced and knowledgeable, providing authentic teachings that are true and respectful of the cultures and people in our community.

APCC is currently planning a redevelopment of their cultural center located at 4851 South Tacoma Way, Tacoma, WA 98409 (formerly the South Park Community Center). The new, mixed-use residential and commercial facility will offer expanded services and mixed-income housing as highlighted in Exhibit A. Redeveloping this property will modernize their current facility, revitalize the neighborhood and support local residents by continuing to provide enhanced programs and encourage a culturally aware dialogue to improve the quality of life for the citizens of Tacoma.

The total project cost is estimated at \$70 million and includes a \$38 million cultural center on the first two levels, as well as housing units for seniors on the top floors estimated at \$28 million. The housing portion of the project is anticipated to include City, County and State funding, Federal low income housing tax credits, and any available HUD funding. Additional redevelopment funding sources being pursued by APCC include state grants, private contributions and fundraising, new market tax credits if available, and an EB5 investment. A financial commitment from the City of Tacoma for the project’s pre-development costs will help to secure future funding from additional partners and is critical to APCC’s ability to reach the project fundraising goal.

Subject to the terms and conditions stated herein, the City and APCC agrees as follows:

2. CITY'S RESPONSIBILITIES.

The City will provide one-time funding in a cash contribution amount for a total of \$250,000 which was approved in the fiscal years 2019-2020 budget. The funds will be distributed in a single payment in 2019 after a City Council Resolution is authorized and adopted at a scheduled Council meeting.

3. APCC'S RESPONSIBILITIES.

- A.** APCC will only use the funding from this Agreement for the costs associated with market studies, architectural, engineering, and environmental and geotechnical services. The funding will not be used for appraisals or legal fees, developer or project management fees, or any soft cost contingencies.
- B.** APCC shall complete all pre-development and redevelopment activities to the facility as described in Exhibit A. This includes direct contract management and invoicing/payments with their selected development service providers/contractors and APCC.
- C.** APCC shall recognize the City of Tacoma as a donor by offering ten (10) rent-free events per year in any available room/event space at the property upon project completion subject to availability at the APCC facility, and the scheduling must be initiated through the Community and Economic Development Department, who will work directly with APCC.
- D.** APCC will indemnify and hold the City of Tacoma harmless from all claims related to this Agreement and APCC's redevelopment project.
- E.** APCC shall provide quarterly status reports to the City of Tacoma's Community and Economic Development Department on the progress of collecting necessary funding for their redevelopment project.
- F.** APCC shall provide the City of Tacoma with copies of paid invoices from contracted pre-development service providers and/or any other pre-development project related documentation as described in Exhibit A.
- G.** APCC shall provide ongoing status reports to the City of Tacoma's Community and Economic Development Department including expected dates of construction, project milestones and any completion/opening dates.
- H.** APCC will include City of Tacoma officials in any celebrations or grand opening events related to this redevelopment project.

IN WITNESS WHEREOF the parties hereto have accepted and executed this Agreement as of the Effective Date written above.

ASIA PACIFIC CULTURAL CENTER

Faaluaina Pritchard, Executive Director

CITY OF TACOMA

Elizabeth Pauli, City Manager

Andrew Cherullo, Finance Director

Jeff Robinson, Community and
Economic Development Director

Approved as to Form:

Charles Lee, Deputy City Attorney

Attest:

Doris Sorum, City Clerk