

From: [Phan, Johnny](#)
To: [Downtown West Project](#)
Subject: FW: Google - Diridon/DW - DA and Ancillary Docs Execution
Date: Wednesday, June 9, 2021 3:22:21 PM

From: Straka, Stephanie <SStraka@coblentzlaw.com>
Sent: Friday, June 4, 2021 3:30 PM
To: Phan, Johnny <Johnny.Phan@sanjoseca.gov>
Cc: David Snow <DSnow@rwglaw.com>; Miller, Gregg <gmiller@coblentzlaw.com>
Subject: RE: Google - Diridon/DW - DA and Ancillary Docs Execution

[External Email]

New 6-4 doc available with resos, ordinances, corrected page numbering, clean

Stephanie R. Straka | Special Counsel
Coblentz Patch Duffy & Bass LLP
Direct 415-772-5750 | Cell 951-333-5572 | Office 415-391-4800

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From: Phan, Johnny <Johnny.Phan@sanjoseca.gov>
Sent: Friday, June 4, 2021 1:16 PM
To: Straka, Stephanie <SStraka@coblentzlaw.com>
Cc: David Snow <DSnow@rwglaw.com>
Subject: [EXTERNAL] Re: Google - Diridon/DW - DA and Ancillary Docs Execution

Sure.

Johnny V. Phan
Chief Deputy City Attorney
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On Jun 4, 2021, at 1:07 PM, Straka, Stephanie <SStraka@coblentzlaw.com> wrote:

[External Email]

Ok. Then I am revising the last sentence of Recital Q to state: Following the public hearing, t~~The Planning Commission adopted Resolution No. XXX, recommending~~ recommended that the City Council adopt the CEQA findings, approve this Agreement, and approve the Project.

Would you like me to upload a new CLEAN version with this change and also with the reso numbers?

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From: Phan, Johnny <Johnny.Phan@sanjoseca.gov>
Sent: Friday, June 4, 2021 1:05 PM
To: Straka, Stephanie <SStraka@coblentzlaw.com>
Cc: David Snow <DSnow@rwglaw.com>
Subject: [EXTERNAL] Re: Google - Diridon/DW - DA and Ancillary Docs Execution

There is no resolution from Planning Commission.

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On Jun 4, 2021, at 1:03 PM, Straka, Stephanie
<SStraka@coblentzlaw.com> wrote:

[External Email]

Johnny, I don't see the Planning Commission recommendation reso. Can you provide that reso #?

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From: Phan, Johnny <Johnny.Phan@sanjoseca.gov>
Sent: Friday, June 4, 2021 12:04 PM
To: Straka, Stephanie <SStraka@coblentzlaw.com>; Miller, Gregg <[gmiller@coblentzlaw.com](mailto:gmill@coblentzlaw.com)>
Cc: David Snow <DSnow@rwglaw.com>; Chan, Michelle W. (SFO) <MWChan@perkinscoie.com>
Subject: [EXTERNAL] RE: Google - Diridon/DW - DA and Ancillary Docs Execution

I think they are all online at this point posted on AB 900.

From: Straka, Stephanie <SStraka@coblentzlaw.com>
Sent: Friday, June 4, 2021 12:02 PM
To: Miller, Gregg <[gmiller@coblentzlaw.com](mailto:gmill@coblentzlaw.com)>; Phan, Johnny <Johnny.Phan@sanjoseca.gov>
Cc: David Snow <DSnow@rwglaw.com>; Chan, Michelle W. (SFO) <MWChan@perkinscoie.com>
Subject: RE: Google - Diridon/DW - DA and Ancillary Docs Execution

[External Email]

Johnny, Please also send the Reso and Ordinance numbers whenever you have them so that we can insert them into the document. Thanks.

Stephanie R. Straka | Special Counsel

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From: Miller, Gregg <gmler@coblentzlaw.com>

Sent: Friday, June 4, 2021 10:54 AM

To: Phan, Johnny <Johnny.Phan@sanjoseca.gov>

Cc: David Snow <DSnow@rwglaw.com>; Straka, Stephanie <SStraka@coblentzlaw.com>; Michelle Chan <MWChan@perkinscoie.com>

Subject: Google - Diridon/DW - DA and Ancillary Docs Execution

Johnny: here is the plan for getting documents signed. Please give me your thoughts at your earliest convenience.

1. Docs: the parties will be signing the DA, the Parkland Agreement and the four Transfer Agreements (Autumn, H1, H5 and H6). The DA and Parks Agreement need to be notarized. The Transfer Agreements do not. All docs need City Attorney signature "Approved as to Form".
2. I am not aware of any other documents that need to be signed at this time.
3. The City wants four (4) originals of the DA and (4) originals of the Parkland Agreement. I want one original of each of those, so we will sign and send five originals. How many originals of the Transfer Agreements does the City want?
4. Later today, I will send you the exhibits (e.g., Autumn parcels' legal descriptions) to the Transfer Agreements for your review and sign-off.
5. Assuming no issues prior to/at Second Reading, then Google will plan to sign on June 9th. I will need the 10th to turn the wet-ink signatures around to the City, so you should expect to receive signed documents on June 11th (Fri) or the 14th (Mon.) With the DA at +700 pages, it will be a large production.

6. City will sign (and notarize) as soon as possible and, return one original of each to me (we'll include a pre-paid FedEx box). City will retain the originals it has requested (e.g., 4 of the DA).
7. City will record the DA and the Parkland Agreement. Statute requires the DA be recorded within 10 calendar days after it is fully executed.
8. City will provide me with a copy of the final, fully recorded DA and Parkland Agreement (with the recording information) shortly after the City has those documents. I realize that it could be several weeks if copies of the recorder-stamped documents are not available at the time the doc is recorded and therefore we have to wait for the Recorder to return the recorded documents.

Thanks,

Gregg Miller

Coblentz Patch Duffy & Bass LLP

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