



THE SUNRISE CITY

**FORT PIERCE**  
CITY ATTORNEY'S OFFICE *Florida*

DEC 20 2016

**TO:** Rebecca Grohall, Planning Director  
**THROUGH:** James Messer, Esq., City Attorney *JM*  
**FROM:** Iola T Mosley, Esq., Assistant City Attorney *ITM*  
**RE:** VCTC Sale Documents  
**DATE:** December 19, 2016

Attached is the "Fallbrook Credit Finance" agreement to facilitate the sale of the remaining Voluntary Cleanup Tax Credit (VCTC) for 2016. We have added clarity to the original contract and inserted reference to Tax Credit Certificate No. 610 in the amount of \$500,000. This document gives Fallbrook authority to pursue and negotiate the sale of the credit on behalf of Fort Pierce Redevelopment Agency (FPRA).

As you may recall, earlier this year Fallbrook facilitated the sale of a number of tax credits for the FPRA. The return on the sale was nearly one million dollars to be used in the repayment of loans related to cleanup of the "H. D. King Power Plant". The Fallbrook contract specified that the FPRA would receive eighty-eight cents on the dollar for tax credits sold; if Fallbrook negotiated a higher price, they would retain the difference as their fee. Fallbrook successfully facilitated a sale to the NIMCO (Nestle) company. The agreed upon price was ninety-one cents on the dollar. Fallbrook received three cents on the dollar as their fee. Last year the Schwerer firm acted as escrow agent for the purpose of distribution of funds pursuant to the agreed sale.

In my communications with Josh Lederer, Vice President of Fallbrook, he indicated that Fallbrook is willing to facilitate the sale of VCTC's under the same terms. I have also asked if Fallbrook has any issue with the City acting as escrow agent, rather than Schwerer or some other paid escrow agent. Josh Lederer, on behalf of Fallbrook, indicated that he does not anticipate any issues with that arrangement. However, before we can proceed with the sale, the FPRA needs to have this agreement executed. To that end, please review the attached and contact me if you have any questions relating to the document.

**c:** Nicholas C. Mimms, P.E., City Manager