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February 5, 2013

Honorable Mayor and Members of the City Council
City of Tracy
City Hall
333 Civic Center Plaza
Tracy, CA 95376

**Re: Second Reading and Adoption of Ordinance 1182 An Ordinance of
the City of Tracy Approving Modified and Restated Development Agreement
with the Surland Communities Application DA11-0002.
City Council meeting of February 5, 2013.**

Dear Mayor and Members of the City Council:

A major issue in the prior Development Agreement (DA) which was determined to be void by Judge Holland was the lack of property ownership by the applicant. The failure of the prior adopted DA to include any description of the real property to which it was applicable was a major flaw allowing manipulation. The DA attached as Item #4 suffers from the same failure in that there is NO property description attached as Exhibit A.

There is no reason why the property description has not been included. In the prior DA the applicant had NO interest in the real property at the second reading. Here the DA being read a second time is not complete and the absence of ANY property description renders the second reading tonight ineffective.

A second reading needs to be for a DA that is complete as to all known exhibits and tonight's DA is incomplete on the most material factor: to what property is it applicable.

Very truly yours,



MARK V. CONNOLLY

cc: TRAQC