

**RESOLUTION NO. 16-03**

**A RESOLUTION OF THE OVERSIGHT BOARD FOR THE SUCCESSOR AGENCY TO THE CITY OF MONTCLAIR REDEVELOPMENT AGENCY APPROVING A PROPOSAL BY BILL FOX FOR PURCHASE AND DEVELOPMENT OF THE SUCCESSOR AGENCY-OWNED PROPERTY LOCATED IN THE SOUTHEAST QUADRANT OF RAMONA AVENUE AND STATE STREET AND AUTHORIZING PREPARATION OF A PURCHASE AND SALE AGREEMENT**

**WHEREAS**, Part 1.85 of the Community Redevelopment Law ("Part 1.85") as adopted by ABX1 26 ("AB 26") and modified by AB 1484 and SB107 provided for the statewide dissolution of all redevelopment agencies, including the City of Montclair Redevelopment Agency ("Agency"), and provided that, thereafter, a successor agency would administer the enforceable obligations of the Agency and otherwise wind up the Agency's affairs, all subject to the review and approval by an oversight board; and

**WHEREAS**, on January 12, 2012, the City Council of the City of Montclair adopted Resolution No. 12-2934 becoming the Successor Agency to the City of Montclair Redevelopment Agency ("Successor Agency"); and

**WHEREAS**, pursuant to Health and Safety Code Section 34179.7, the California Department of Finance ("DOF") issued a "finding of completion" to the Successor Agency; and

**WHEREAS**, thereafter, pursuant to Health and Safety Code Section 34191.5(b), the Successor Agency timely prepared, and the Oversight Board of the Successor Agency (the "Oversight Board") and DOF timely approved a Long-Range Property Management Plan addressing the disposition and use of the real property of the dissolved Agency ("LRPMP"), which approvals took place on November 13, 2013 and February 12, 2014 respectively, ; and

**WHEREAS**, a Successor Agency-owned property located in the southeast quadrant of Ramona Avenue and State Street ("subject site") is identified as a property for disposition by sale in the LRPMP; and

**WHEREAS**, the Oversight Board authorized appraisal of the subject site on July 8, 2015, and the Successor Agency received the completed appraisal on October 6, 2015; and

**WHEREAS**, Successor Agency staff issued a Request for Proposals from the public for the acquisition and development of the subject site on November 11, 2015 with submission of responses to the Request for Proposals due to the Successor Agency by January 19, 2016; and

**WHEREAS**, Successor Agency staff received two responses to the Request for Proposals that City staff evaluated in accord with the selection criteria identified in the Request for Proposals; and

**WHEREAS**, based upon the cumulative ratings of staff to the responses to Request for Proposals the selection of Bill Fox to pursue acquisition and development of the subject site is recommended; and

**WHEREAS**, the Oversight Board has reviewed the Request for Proposals, responses to the Request for Proposals, recommendations by staff, and staff report; and

**WHEREAS**, pursuant to Health and Safety Code Section 34179(h)(1)(D) as modified per SB 107, oversight boards are not required to submit "[t]ransfers of governmental property pursuant to an approved long-range property management plan" to the DOF for approval; and

**WHEREAS**, this Resolution's purpose is to commence the process that the Oversight Board hopes will affect the transfer of the subject site to Bill Fox pursuant to the LRPMP and specific terms and conditions to be negotiated consistent with his complete response to the Request for Proposals (the "Fox Proposal"), including but not

limited to a purchase price of one million five hundred twenty-nine thousand five hundred dollars (\$1,529,500.00).

**NOW, THEREFORE, BE IT RESOLVED** that the Oversight Board to the City of Montclair Redevelopment Agency, does hereby find and determine as follows:

**Section 1.** The foregoing Recitals are incorporated into this Resolution by this reference and constitute a material part of the Resolution.

**Section 2.** After review of the Request for Proposals, responses to the Request for Proposals, recommendations by the Successor Agency, staff and the staff report, the Oversight Board finds the "Fox Proposal" to be most advantageous option for sale of the subject site available to the taxing agencies in keeping with Section 34177(e) of the Health and Safety Code that states the successor agency is required to dispose of assets and "the disposal is to be done expeditiously and in a manner aimed at maximizing value."

**Section 3.** The Oversight Board approves selection of the Fox Proposal as most compliant with Section 34177(e) of the Health and Safety Code, and instructs staff to complete documentation of the final purchase terms, definitions, and conditions of sale, and to develop a mutually acceptable Purchase and Sale Agreement ("PSA") consistent with the Fox Proposal.

**Section 4.** This approval authorizes staff to negotiate the PSA, and future Successor Agency and Oversight Board action will be necessary to consummate the sale of the subject site to Bill Fox pursuant to a PSA.

**Section 5.** The Secretary of the Oversight Board for the Successor Agency to the City of Montclair Redevelopment Agency shall certify to the adoption of this Resolution and shall maintain this Resolution approved hereunder on file as a public record.

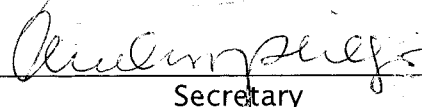
**Section 6.** The approval of this Resolution does not result in any action that may have a significant effect on the environment. As a result, such action does not constitute a project subject to the requirements of the California Environmental Quality Act.

**Section 7.** This Resolution shall be effective upon its adoption and certification.

**APPROVED AND ADOPTED** this 9th day of March, 2016.

  
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Chairman

ATTEST:

  
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Secretary

I, Andrea M. Phillips, Secretary of the Oversight Board for the Successor Agency to the City of Montclair Redevelopment Agency, DO HEREBY CERTIFY that Resolution No. 16-03 was duly adopted by the Oversight Board for the Successor Agency to the City of Montclair Redevelopment Agency at a regular meeting thereof held on the 9th day of March, 2016, and that it was adopted by the following vote, to-wit:

AYES: Richardson, Kulbeck, Hillman, Catlin, Ruh  
NOES: None  
ABSTAIN: None  
ABSENT: Erickson, Johnson

  
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Andrea M. Phillips, Secretary