

RESOLUTION NO. 16-05

A RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE CITY OF MONTCLAIR REDEVELOPMENT AGENCY APPROVING THE ACTION OF THE SUCCESSOR AGENCY TO APPROVE AGREEMENT NO. 16-51, A PURCHASE AND SALE AGREEMENT BETWEEN THE SUCCESSOR AGENCY AND BILL FOX REGARDING THE PROPERTY GENERALLY LOCATED IN THE SOUTHEAST QUADRANT OF RAMONA AVENUE AND STATE STREET

WHEREAS, pursuant to AB x1 26 (the "Dissolution Law") enacted in June 2011 (as amended by AB 1484 enacted in June 2012), the City of Montclair Redevelopment Agency was dissolved as of February 1, 2012, and the City of Montclair, acting in a separate limited capacity, and known as the Successor Agency to the City of Montclair Redevelopment Agency has elected to serve as the successor agency (the "Successor Agency") to the former City of Montclair Redevelopment Agency; and

WHEREAS, pursuant to Health and Safety Code Section 34173(g), as added by the Dissolution Law, the Successor Agency is a separate legal entity from the City of Montclair (the "City"); and

WHEREAS, the City Council (the "City Council") of the City serves in a separate capacity of as the governing board of the Successor Agency; and

WHEREAS, the Successor Agency is charged with paying the enforceable obligations, disposing of the properties and other assets, and unwinding the affairs of the former City of Montclair Redevelopment Agency; and

WHEREAS, an oversight board for the Successor Agency (the "Oversight Board") was formed and functions in accordance with Health and Safety Code Section 34179; and

WHEREAS, the real property and other assets of the former City of Montclair Redevelopment Agency were transferred to the control of the Successor Agency as of February 1, 2012 pursuant to Health and Safety Code Section 34175(b), including approximately 5.4 vacant acres located in the southeast quadrant of Ramona Avenue and State Street (the "Property"); and

WHEREAS, the Successor Agency prepared a Long-Range Property Management Plan (the "LRPMP"), initially approved by the Successor Agency and Oversight Board in November 2013, revised in August 2014 for consideration of approval by the Successor Agency and Oversight Board and approved by the State Department of Finance on February 12, 2015; and

WHEREAS, the revised LRPMP provides for the disposition of the Property through a Request for Proposal (the "RFP") process; and

WHEREAS, staff to the Successor Agency solicited RFP's from interested parties and received two responses to the RFP; and

WHEREAS, in March 2016, the Successor Agency and Oversight Board selected the response to the RFP submitted by Mr. Bill Fox as the proposal most responsive to the RFP and requested staff to development a Purchase and Sale Agreement for consideration; and

WHEREAS, the proposal submitted by Mr. Fox included a higher purchase price than that of the other bid received; and

WHEREAS, the purchase price (the "Purchase Price") identified by Mr. Fox (the "Purchaser") in the response to the RFP and the price in the Purchase and Sale Agreement of \$1,529,500 represents a fair valuation under the terms and conditions specified by that certain appraisal commissioned by the Successor Agency, prepared by Integra Realty Resources dated October 14, 2015. The Successor Agency's share of closing costs and the premium for title insurance will be paid out of a portion of the Purchase Price; and

WHEREAS, the Successor Agency and the Purchaser want to enter into a Purchase and Sale Agreement (the "Purchase Agreement") substantially in the form on file with the Successor Agency Secretary, whereby the Successor Agency will sell the property to Purchaser for the Purchase Price ; and

WHEREAS, the Purchaser proposes to construct a concrete, tilt-up building on the Property of not less than 42,300 square feet with a market value of not less than \$5,000,000 (the "Proposed Project"); and

WHEREAS, under the Purchase Agreement, the Purchaser must complete California Environmental Quality Act review and have the Proposed Project approved by the City of Montclair Planning Commission prior to the close of escrow; and

WHEREAS, the Purchaser agrees to develop the Proposed Project in accordance with such land use entitlements as the City grants for such development; and

WHEREAS, the Successor Agency's disposition of the Property, in a manner consistent with the Dissolution Act, the revised LRPMP, and the Purchase Agreement, will facilitate the unwinding of the dissolved Redevelopment Agency liquidating its former property in a manner aimed at maximizing property value for the benefit of the taxing entities; and

WHEREAS, the Successor Agency held a public hearing on June 20, 2016, where it adopted Successor Agency Resolution No. 16-04 approving Agreement No. 16-50, the Purchase Agreement; and

WHEREAS, the Successor Agency has submitted the Purchase Agreement to the Oversight Board for approval in accordance with Health and Safety Code Section 34181(a); and

WHEREAS, pursuant to Section 34181(f) of the Health and Safety Code, actions relating to disposition of property "shall be approved by resolution of the oversight board at a public meeting after at least 10 days' notice to the public of the specific proposed actions;" and

WHEREAS, public notice of this item was advertised as a public hearing in the *Inland Valley Daily Bulletin* newspaper on June 24, 2016; and

WHEREAS, on July 6, 2016, commencing at 6:00 p.m. in the Council Chambers at Montclair City Hall, the Oversight Board conducted a public hearing at which time all persons wishing to testify in connection with the item were heard.

NOW, THEREFORE, BE IT RESOLVED that the Oversight Board to the Successor Agency of the City of Montclair Redevelopment Agency does hereby find, determine, and order the following:

Section 1. The Oversight Board hereby finds that the above Recitals are true and correct, and together with the Staff Report and other information provided by the Successor Agency staff, form the basis for the findings and actions set forth in this Resolution.

Section 2. The Oversight Board hereby approves the June 20, 2016 action of the Successor Agency to approve the sale of the property identified as APN No. 1012-141-18 located in the southeast quadrant of Ramona Avenue and State Street to Mr. Bill Fox, pursuant to the Purchase Agreement, for the value of \$1,529,500.

Section 3. The Oversight Board authorizes the Successor Agency Chairperson to execute the Purchase and Sale Agreement substantially in the form on file with the Secretary to the Oversight Board and Secretary to the Successor Agency..

Section 4. The Oversight Board hereby authorizes the Successor Agency Executive Director to make changes or amendments to the Agreement that will not substantially alter its form to implement the Agreement and to take other required actions to implement the disposition of the Property.

Section 5. Pursuant to Health and Safety Code Section 34179(h)(1)(D), Oversight Boards are not required to submit "[t]ransfers of governmental property pursuant to an approved long-range property management plan" to the Department of Finance for approval, and this Resolution shall be effective upon its adoption and certification.

Section 6. The Secretary to the Oversight Board and/or Successor Agency shall certify to the adoption of this Resolution.

APPROVED AND ADOPTED this 6th day of July, 2016.

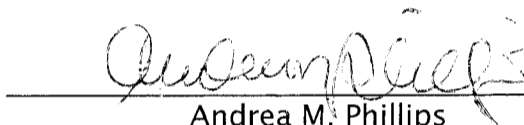

Chairman

ATTEST:


Secretary

I, Andrea M. Phillips, Secretary of the Oversight Board to the City of Montclair Redevelopment Agency, DO HEREBY CERTIFY that Resolution No. 16-05 was duly adopted by the Oversight Board to the City of Montclair Redevelopment Agency at a special meeting thereof held on the 6th day of July, 2016, and that it was adopted by the following vote, to-wit:

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


Andrea M. Phillips
Secretary