

RESOLUTION NO. HCDC 2018-05

A RESOLUTION OF THE HESPERIA COMMUNITY DEVELOPMENT COMMISSION (HCDC): (I) APPROVING A PURCHASE AND SALE AGREEMENT AND JOINT ESCROW INSTRUCTIONS (PSA) FOR REAL PROPERTY LOCATED AT MAUNA LOA STREET, ASSESSOR'S PARCEL NUMBER 0410-031-06 (PROPERTY) BY AND BETWEEN WESTERN INTERNATIONAL GAS (BUYER) AND THE HESPERIA COMMUNITY DEVELOPMENT COMMISSION (SELLER); (II) AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE THE PSA AND ALL DOCUMENTS NECESSARY TO CARRY OUT THE INTENT OF THIS RESOLUTION; AND (III) MAKING THE APPROPRIATE FINDINGS HEREWITH

WHEREAS, the former Hesperia Community Redevelopment Agency purchased the Property in December 2008 for the construction of the G Avenue Rail Lead Track and future industrial rail users; and

WHEREAS, dissolution of all redevelopment agencies in California led to the creation of the HCDC and ultimate transfer of Property on March 9, 2011; and

WHEREAS, Buyer submitted Letter of Intent on March 5, 2018 expressing interest in purchasing the property; and

WHEREAS, the Buyer tendered an offer on April 30, 2018 to purchase the Property from the Seller at fair market value (FMV) as validated by an appraisal conducted by Smothers Appraisal.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF HESPERIA COMMUNITY DEVELOPMENT COMMISSION AS FOLLOWS:

- Section 1. The facts set forth above in this Resolution are true and correct.
- Section 2. The PSA for purchase of the Property is hereby approved and the Executive Director is authorized to execute the PSA on behalf of the HCDC.
- Section 3. The Executive Director is hereby authorized to sign all documents necessary and appropriate to carry out the PSA and implement this Resolution; including making minor, non-material amendments to the PSA and/or related documents.
- Section 4. If any section, sentence, clause or phrase of this resolution is determined to be invalid, void or unconstitutional by a decision or order of a court of competent jurisdiction, then such decision or order shall not affect the validity or enforceability of the remaining portions of this resolution, and the HCDC hereby declares that it would have passed the remainder of this resolution if such invalid portion thereof had been declared invalid or unconstitutional.

- Section 6. This activity is not a “project” and therefore exempt from CEQA pursuant to CEQA Guidelines §15060(c)(3).
- Section 7. This Resolution shall go into effect immediately upon its adoption.
- Section 8. The Secretary shall certify to the passage and adoption hereof and enter it into the book of original resolutions.

ADOPTED AND APPROVED this 15th day of May, 2018 by the following vote:

Russ Blewett, Chairman

ATTEST:

Melinda Sayre, Secretary