

RESOLUTION NO. CDC 2020-01

A RESOLUTION OF THE HESPERIA COMMUNITY DEVELOPMENT COMMISSION (CDC) OF THE CITY OF HESPERIA, CALIFORNIA (I) APPROVING A PURCHASE AND SALE AGREEMENT (PSA) BY AND BETWEEN CDC AND ZAB, LLC; (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 City of Hesperia (City), is a municipal corporation duly organized under the laws and Constitution of the State of California; and

WHEREAS, the Hesperia Community Redevelopment Agency (HCRA) was a public body, corporate and politic, organized and existing under the California Community Redevelopment Law (Health & Safety Code § 33000, *et seq.*) responsible for the administration of redevelopment activities within the City of Hesperia until its dissolution on February 1, 2012; and

WHEREAS, on June 28, 2011 Governor Jerry Brown signed into law ABx1 26 (Law) abolishing redevelopment in California and thereby setting forth the “winding down” of redevelopment agencies, the designation of successor agencies, and oversight boards; and

WHEREAS, the Law (a) amends, modifies, supplements, or eliminates Parts 1, 1.5, 1.6, and 1.7 of Division 24 of California Health & Safety Code, wherein redevelopment agencies were effectively dissolved February 1, 2012; and (b) established H&SC §34173 which sets forth the requirements for the designation and declaration of “successor agencies” which shall be vested with all the authority, rights, powers, duties and obligations of the former redevelopment agency and be obligated to discharge those functions set out in the amended laws and statutes created by the Law; and

WHEREAS, on April 5, 2011 & January 17, 2012 the City Council of the City of Hesperia adopted Resolution No. 2011-021 electing to serve as the successor agency of the HCRA; and

WHEREAS, on April 5, 2011 the City Council of the City of Hesperia as the legislative body for the City of Hesperia adopted Ordinance No. 2011-005 declaring a need for a community development commission to function in the community and declared itself the commissioners thereby establishing the Hesperia Community Development Commission (CDC) to discharge certain community and economic development functions; and

WHEREAS, the CDC obtained all rights, title and interest to a specific parcel of real property within the HCRA's Project Area specifically Assessor's Parcel Number 0407-261-03 and 04 (Property) as a function of the “wind down” of redevelopment pursuant to ABx1 26; and

WHEREAS, ZAB, LLC (Buyer) has expressed interest in purchasing the Property to develop a mixed-use project, and CDC desires to sell Property to the Buyer; and

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

Section 1. The facts set forth above in this Resolution are true and correct.

- Section 2. That the Property is held by the CDC for the purpose of exchange and therefore is not subject to the Surplus Property Land Act, Government Code §§ 54220 *et seq.*
- Section 3. This activity is not a “project” and therefore exempt from CEQA pursuant to CEQA Guidelines §15060(c)(3).
- Section 4. That the Property is included on the HCRA Successor Agency’s Long Range Property Management Plan (LRPMP) as set forth in H&SC §34191.5(b).
- Section 5. The CDC hereby approves the Purchase and Sale Agreement (PSA) for sale of Property to ZAB, LLC and hereby authorizes the City Manager/Executive Director, or his designee, to execute PSA on behalf of the CDC.
- Section 6. The City Manager/Executive Director, or their designee, is hereby authorized and directed to take any appropriate action consistent with the purposes of this Resolution and the PSA approved hereby to carry out the PSA and any subsequent amendments thereto on behalf of the CDC.
- Section 7. 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 CDC hereby declares that it would have passed the remainder of this resolution if such invalid portion thereof had been declared invalid or unconstitutional.
- Section 8. This Resolution shall go into effect immediately upon its adoption.
- Section 9. The City Clerk shall certify to the passage and adoption hereof and enter it into the book of official resolutions for the CDC.

ADOPTED AND APPROVED this 21st day of January, 2020 by the following vote:

Larry Bird, Chair

ATTEST:

Melinda Sayre, City Clerk