RESOLUTION NO. CHA-02-12

A RESOLUTION OF THE COLTON HOUSING AUTHORITY APPROVING THAT CERTAIN DISPOSITION AND DEVELOPMENT AGREEMENT BETWEEN THE COLTON HOUSING AUTHORITY AND EAGLE COLTON 55 L.P., THE SALE OF REAL PROPERTY PURSUANT TO THAT DISPOSITION AND DEVELOPMENT AGREEMENT

WHEREAS, the Colton Housing Authority ("Authority") was activated by the City of Colton on March 15, 2011 by Resolution R-28-11, to collaborate with the City to provide sanitary and safe housing for people of low or moderate income within the City, through participation in housing projects, and

WHEREAS, Authority owns that certain real property generally located in the block bordered on the north by East E Street, on the east by North 9th Street, on the south by East F Street and on the west by North La Cadena Drive, in the City of Colton, California ("Property"); and

WHEREAS, Authority has negotiated the terms of that certain Disposition and Development Agreement (Colton Senior Complex), a copy of which is attached to this Resolution as Exhibit A ("Agreement"), with Eagle Colton 55. L.P., a California limited partnership ("Developer") providing for, among other things, the transfer of the Property by the Authority to the Developer and Developer's construction on the Property of a one hundred twenty (120) unit multi-family affordable senior citizen rental housing development ("Project"); and

WHEREAS, the Agreement implements the goals and objectives of the Authority for the development of the Project on the Property, addresses certain affordable housing needs of the City of Colton and will assist the Authority in the provision of housing for persons of low income; and

WHEREAS, implementation of the Project will replace one hundred one (101) affordable senior citizen rental housing units previously removed from the Property by the Development Agency for the City of Colton ("Agency"); and

WHEREAS, Authority desires to enter into the Agreement, subject to approval by the Oversight Board and the Department of Finance of the transfer of the Property and the allocation of replacement housing funds to the Authority.

NOW, THEREFORE, BE IT RESOLVED BY THE COLTON HOUSING AUTHORITY AS FOLLOWS:

SECTION 1. California Environmental Quality Act Compliance. The Authority's approval of the Agreement and adoption of this Resolution is exempt from the California Environmental Quality Act (Pub. Res. Code § 21000 et seq.: "CEQA") because the Agreement is a land acquisition agreement and the Agreement has been conditioned to

require future use of the site on CEQA compliance. (14 C.C.R. § 15004(b)(2)(A).) The Authority's approval of this Agreement does not constitute approval of any site-specific development plan for the Property, or other activity on the Property, that would have a direct or reasonably foreseeable indirect environmental impact pursuant to CEQA. (14 C.C.R. § 15378(b).) The Authority's approval of the Agreement results in a mere transfer of the Property from the Authority to the Developer. As more fully explained in the Agreement, Developer's future use and/or development of the Property is expressly conditioned upon CEQA compliance. The Authority shall conduct environmental review pursuant to CEQA prior to taking any discretionary action with regard to any proposed development of the Property. Nothing in the Agreement or this Resolution shall be construed to limit the Authority's discretion to consider and adopt any mitigation measure or project alternative, including the alternative of rejecting any proposed development of the Property, as provided in section 21002 of the Public Resources Code. Following completion of the Authority's environmental review of any proposed development of the Property, the Authority shall file a notice of such approval as provided in section 21152 of the Public Resources Code.

SECTION 2. The Authority hereby approves the Agreement in substantially the form attached hereto as Exhibit A, subject to approval by the Oversight Board and the State of California Department of Finance of the transfer of the Property to the Authority by the Successor Agency to the Agency and the allocation of replacement housing funds by such Successor Agency to the Authority.

SECTION 3. Authority hereby finds and determines that the sale of the Property by Authority to Developer will assist Authority in providing housing for persons of low income and, to that purpose, approves the sale of the Property by Authority to Developer.

SECTION 4. The Executive Director or his designee is hereby authorized to sign and enter into the Agreement on behalf of the Authority and to take all actions and sign make, enter into and deliver all documents by or on behalf of Authority necessary to carry out the purposes of the Agreement.

SECTION 5. If any provision of this Resolution or the application of any such provision to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. Authority declares that Authority would have adopted this Resolution irrespective of the invalidity of any particular portion of this Resolution.

SECTION 6. The Authority hereby directs staff to prepare, execute and file a Notice of Exemption with the San Bernardino County Clerk within five days of the passage and adoption of this Resolution.

SECTION 7. The Authority Secretary shall certify to the passage and adoption of this Resolution and the same shall thereupon take effect and be in force.

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PASSED, APPROVED AND ADOPTED this 17th day of July, 2012.

COLTON HOUSING AUTHORITY

Sarah S. Zamora, Chairman

Attest:

Eileen C. Gomez, Secretary

Approved as to form:

Authority Counsel

CERTIFICATION

I, EILEEN C. GOMEZ, Secretary of the Colton Housing Authority, do hereby certify that the foregoing Resolution No. CHA-02-12 was duly and regularly adopted by the Colton Housing Authority at a regular meeting thereof held on the 17th day of July, 2012, and that the same was passed and adopted by the following vote, to wit:

AYES: Toro, Gonzales, Yzaguirre, Oliva, Bennett, Perez and Mayor Zamora
NOES:
ABSTAIN:
ABSENT:

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Eileen C. Gomez, Secretary, CMC