

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORGAN HILL DIRECTING AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE, EXECUTE AND ADMINISTER AGREEMENTS TO EFFECT TRANSACTIONS WITH SOUTH COUNTY HOUSING CORPORATION IN CONNECTION WITH ACCEPTING VILLA CIOLINO PARCEL B AS CONSIDERATION FOR A VILLA CIOLINO PARCEL B LOAN AND MADRONE PLAZA LOAN AND ACCEPTING \$295,404 FROM CREST AVENUE ASSOCIATES AS CONSIDERATION FOR A VIALÉ LOAN (\$364,384) AND A MADRONE PLAZA UNSECURED DEFICIENCY NOTE (\$214,465) IN CONNECTION WITH MADRONE PARCEL #3

WHEREAS, the City of Morgan Hill, a municipal corporation and general law city duly organized and existing under and pursuant to the Constitution and laws of the State of California ("City"), is authorized to enter into contracts and agreements for the benefit of the City; and

WHEREAS, the reasons supporting the direction and delegation of authority described in this Resolution are set forth in detail in that certain City Council Staff Report entitled "SETTLEMENT AND RELEASE OF FUTURE CLAIMS WITH SOUTH COUNTY HOUSING CORPORATION FOR CERTAIN OUTSTANDING HOUSING MATTERS" submitted for City Council consideration at its meeting of September 2, 2015, submitted to the City Council by the City Manager (the "Staff Report"), the contents of which Staff Report are incorporated herein by this reference; and

WHEREAS, the consideration by City Council of the adoption of this Resolution has been duly noticed pursuant to applicable laws and has been placed upon the City Council Meeting Agenda on the date set forth in the Staff Report, or to such date that the City Council may have continued or deferred consideration of this Resolution, and on such date the City Council conducted a duly noticed public meeting at which meeting the City Council provided members of the public an opportunity to comment and be heard and considered any and all testimony and other evidence provided in connection with the adoption of this Resolution; and

WHEREAS, the activities allowed under this Resolution do not constitute a project under the provisions of California Environmental Quality Act of 1970; and

WHEREAS, the City Council determines that adoption of this Resolution is in the public interest.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY FIND, DETERMINE, RESOLVE AND ORDER AS FOLLOWS:

Section 1. Recitals. The City Council does hereby find, determine and resolve that all of the foregoing recitals are true and correct.

Section 2. Approval and Authorization. The City Council does further resolve, order and/or direct as follows:

- a. That the City Manager is hereby delegated authority to and is authorized and directed to negotiate, execute, and subsequently administer including the authority to terminate as necessary or appropriate, agreements to effect transactions with South County Housing Corporation in connection with: (i) accepting Villa Ciolino Parcel B as consideration for a Villa Ciolino Parcel B loan and Madrone Plaza Loan, and (ii) accepting a payment of \$295,404 from Crest Avenue Associates as consideration for a Vialé Loan (\$364,384) and a Madrone Plaza unsecured deficiency note (\$214,465) in connection with Madrone Parcel #3, all in a manner that is consistent with the information submitted to and approved by Council in the Staff Report.

Section 3. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED by the City Council of the City of Morgan Hill at its meeting held on this ____ day of _____, 201__ by the following vote:

AYES:

COUNCIL MEMBERS:

NOES:

COUNCIL MEMBERS:

ABSTAIN:

COUNCIL MEMBERS:

ABSENT:

COUNCIL MEMBERS:

DATE: _____

Steve Tate, MAYOR

∞ CERTIFICATION ∞

I, Irma Torrez, City Clerk of the City of Morgan Hill, California, do hereby certify that the foregoing is a true and correct copy of Resolution No.XXXX , adopted by the City Council at the meeting held on _____, 2015.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: _____

Irma Torrez, CITY CLERK