

## **RESOLUTION NO.**

**A RESOLUTION OF THE SUCCESSOR AGENCY TO THE FORMER MORGAN HILL REDEVELOPMENT AGENCY APPROVING THE SALE OF SITE 7 OF THE LONG RANGE PROPERTY MANAGEMENT PLAN (LRPMP), APN 764-10-006, TO MOHAMMAD HABIB FOR \$10,000, APPROVING AND AUTHORIZING THE CITY MANAGER TO NEGOTIATE AND EXECUTE A PURCHASE AND SALE AGREEMENT AND DOCUMENTS TO EFFECT THE TRANSFER, AND REFERRING THIS ACTION TO THE OVERSIGHT BOARD FOR REVIEW AND CONCURRENCE.**

WHEREAS, pursuant to Parts 1.8 and 1.85 of the California Health and Safety Code, as amended by California Assembly Bill 1484 and as may have been further amended to date (collectively, the “Dissolution Act”) the former Morgan Hill Redevelopment Agency (the “Former Agency”) was dissolved and the City of Morgan Hill (the “City”) succeeded in interest as the successor agency to the Former Agency (“Successor Agency”); and

WHEREAS, under Dissolution Act, the Successor Agency must, among other statutory duties, perform the following duties (collectively “Agency Obligations”) relevant to the agreement proposed for approval through this Resolution, which agreement is further described herein below:

1. Continue making payments for and perform obligations under enforceable obligations;
2. Dispose of assets and properties of the Former Agency; and
3. Continue to oversee development of properties until the contracted work has been completed, including using bond proceeds for purposes for which the bonds were sold; and

WHEREAS, the Oversight Board of the Successor Agency (“Oversight Board”) possesses the authority to approve applications by the Successor Agency to enter into agreements, such as loan and financial agreements, with the city, county, or city and county that formed the Former Agency; and

WHEREAS, the reasons supporting the sale of the property and the entrance of the Successor Agency into agreements described in, and that is the subject of, this Resolution are set forth in detail in that certain Successor Agency Staff Report entitled "Authorization of Sale of 11,000 s.f. Remnant Parcel, Site 7 - El Capri/Gateway, APN 764-10-006, to Mohammad Habib, consistent with the November 2013 Long Range Property Management Plan (LRPMP)" submitted for Successor Agency consideration at its meeting of September 21, 2016, submitted to the Successor Agency by the City Manager (the “Staff Report”), the contents of which Staff Report are incorporated herein by this reference; and

WHEREAS, the actions to be provided under the Agreement are necessary in order for Successor Agency to perform one or more of the Agency Obligations; and

WHEREAS, the consideration by the Successor Agency of the adoption of this Resolution has been duly noticed pursuant to applicable laws and has been placed upon the Successor Agency meeting agenda on the date set forth in the Staff Report, or to such date that the Successor Agency may have continued or deferred consideration of this Resolution, and on such date the Successor Agency conducted a duly noticed public meeting at which meeting the Successor Agency 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 real property sales transaction that is the subject of this Resolution results in a transfer of title to real property only, with no particular additional development forecasted, planned or anticipated and will not result in any change in the physical environment such that this action does not constitute a project under the provisions of the California Environmental Quality Act of 1970 and regulations promulgated thereunder.

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

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

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

- a. That the sale of the remnant parcel Site 7, as identified in the Long Range Property Management Plan (LRPMP) APN 764-10-006, in the City of Morgan Hill, County of Santa Clara, State of California (the "Property") to Mohammad Habib for \$10,000 is hereby approved;
- b. That the City Manager, as Executive Director of Successor Agency, is hereby delegated authority to and is authorized and directed to negotiate and execute on behalf of the Successor Agency a Purchase and Sale Agreement and documents and other materials necessary to effect the sale of the property, provided that the sales price of the Property shall be ten thousand dollars (\$10,000), and to take all other actions necessary or appropriate to process and/or effect the approved sales transaction in accordance with this Resolution;
- c. That the sales proceeds shall be distributed to the taxing entities in accordance with the LRPMP; and
- d. That this action is referred to the Morgan Hill Oversight Board for its review and concurrence.

Section 3. Affirmation. The Successor Agency hereby reaffirms that, notwithstanding any other provision of this Resolution, all actions or determinations that would alter expected income and/or timing or performance requirements that could impact revenues will continue to require review and approval of the Oversight Board.

Section 4. This Resolution shall take effect immediately upon adoption, subject to the concurrence of the Morgan Hill Oversight Board.

**PASSED AND ADOPTED** by the Successor Agency of the Former Redevelopment Agency of the City of Morgan Hill at its regular meeting held on this 21st day of September, 2016 by the following vote:

<b>AYES:</b>	<b>Board Members:</b>
<b>NOES:</b>	<b>Board Members:</b>
<b>ABSTAIN:</b>	<b>Board Members:</b>
<b>ABSENT:</b>	<b>Board Members:</b>

**DATE:** \_\_\_\_\_

\_\_\_\_\_  
Chair – Successor Agency for the Former  
Morgan Hill Redevelopment Agency

**Attest:**

\_\_\_\_\_  
*Irma Torrez, Clerk of the Board*

∞ **CERTIFICATION** ∞

**I, Irma Torrez, Clerk of the Board to the Successor Agency to 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 Successor Agency of the Former Redevelopment Agency of the City of Morgan Hill at the regular meeting held on September 21, 2016

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

**DATE:** \_\_\_\_\_

\_\_\_\_\_  
**Irma Torrez, CLERK OF THE BOARD**