

RESOLUTION NO.

A RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE FORMER MORGAN HILL REDEVELOPMENT AGENCY, CONSISTENT WITH THE NOVEMBER 2013 LONG RANGE PROPERTY MANAGEMENT PLAN, APPROVING THE SUCCESSOR AGENCY'S APPROVAL OF THE SALE OF THE 11,000 S.F. PROPERTY, KNOWN AS SITE 7, EL CAPRI/GATEWAY, AND AUTHORIZATION OF THE CITY MANAGER TO NEGOTIATE AND EXECUTE A SALE AGREEMENT AND DOCUMENTS TO EFFECT THE TRANSFER

WHEREAS, the Oversight Board of the Successor Agency to the former Morgan Hill Redevelopment Agency ("Oversight Board") was duly organized and exists under and pursuant to the laws of the State of California, including, without limitation, Parts 1.8 and 1.85 of Division 24 of the California Health and Safety Code (commencing with Section 34170), as amended by Assembly Bill 1484 and as further amended from time to time (collectively, the "Dissolution Act"), and, more specifically, pursuant to California Health and Safety Code section 34179 (the "Oversight Board"); and

WHEREAS, said Section 34179 of the Dissolution Act provides that the Oversight Board has fiduciary responsibilities to holders of enforceable obligations and the taxing entities that benefit from distributions of property tax and other revenues pursuant to Section 34188 of Part 1.85 of the Dissolution Act; and

WHEREAS, under the Dissolution Act, such enforceable obligations include contracts and agreements necessary for the administration and operation of a successor agency; and

WHEREAS, on September 21, 2016, the Successor Agency of the former Redevelopment Agency of the City of Morgan Hill ("Successor Agency"), by resolution, approved the sale of Site 7 and authorized the City Manager to negotiate and execute a sale agreement and documents to effect the transfer of Site 7 to Mohammad Habib; and

WHEREAS, pursuant to the provisions of the Dissolution Act, Successor Agency desires to submit the Successor Agency's actions on the sale of Site 7 to the Oversight Board for review and approval; and

WHEREAS, on September 27, 2016, the Morgan Hill Planning Commission found that the sale of Site 7 was consistent with the Morgan Hill General Plan; and

WHEREAS, a more detailed description of the reasons supporting the Oversight Board's approval of sale of Site 7 and the agreement and documents that are the subject of this Resolution are set forth in detail in that certain Staff Report submitted for the Oversight Board meeting date of September 28, 2016, entitled "Review of Approval 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 to the Oversight Board by the City Manager (the "Staff Report"), the contents of which Staff Report are incorporated herein by this reference; and

WHEREAS, the consideration by Oversight Board of the adoption of this Resolution has been duly noticed pursuant to applicable laws and has been placed upon the Oversight Board Meeting Agenda on the date set forth in the Staff Report, or to such date that the Oversight Board may have continued or deferred consideration of this Resolution, and on such date the Oversight Board conducted a duly noticed public hearing on the adoption of this Resolution at which hearing the Oversight Board 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.

NOW, THEREFORE, THE OVERSIGHT BOARD TO THE SUCCESSOR AGENCY OF THE FORMER MORGAN HILL REDEVELOPMENT AGENCY DOES HEREBY FIND, DETERMINE, RESOLVE AND ORDER AS FOLLOWS:

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

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

- a. That the sale of Site 7 to Mohammad Habib and the authorization of the City Manager, as Executive Director of the Successor Agency, to negotiate and execute a sale agreement and other related documents to effect the transfer, as described in the Staff Report, is hereby authorized and approved; and
- b. That the City Manager is authorized to transmit or cause the transmittal of such agreement and related documents to the County of Santa Clara and the California State Department of Finance, pursuant to the provisions of the Dissolution Act, and to take all other actions, or cause all such other actions to be taken, necessary, or appropriate to process the agreement and related documents in accordance with said Dissolution Act.

Section 3. This Resolution shall take effect in the manner and time frame set forth in the Dissolution Act.

PASSED AND ADOPTED, by the Oversight Board of the Successor Agency to the former Morgan Hill Redevelopment Agency at a Regular Meeting held this 28th day of September, 2016, by the following vote:

AYES:	Board Members:
NOES:	Board Members:
ABSTAIN:	Board Members:
ABSENT:	Board Members:

DATE: _____

Chair – Oversight Board to the City of
Morgan Hill Redevelopment Agency

Attest:

Irma Torrez, Clerk of the Oversight Board

∞ CERTIFICATION ∞

I, Irma Torrez, Clerk of the Oversight Board 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 Oversight Board at a Regular meeting held on September 28, 2016.

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

DATE: _____

Irma Torrez, Clerk of the Board