RESOLUTION NO. 2017-07

A JOINT RESOLUTION OF THE CITY OF BELL AND BELL SUCCESSOR AGENCY BOARD APPROVING TWO DISPOSITION AND DEVELOPMENT AGREEMENTS BETWEEN THE CITY, BELL SUCCESSOR AGENCY AND ARROYO SECO DEVELOPMENT GROUP FOR DEVELOPMENT OF PARCELS AT CLARKSON AND GAGE AVENUE

WHEREAS, in furtherance of the objectives of the former Bell Redevelopment Agency ("BRA"), the Successor Agency wishes to plan for the disposition of property formerly owned by the BRA and now controlled by the Successor Agency, consisting of APN 6325-020-901, (ii) 6414 Clarkson Avenue, APN 6325-020-902, (iii) and 4472 Gage Avenue, APN 6325-020-904 (collectively, the "Agency Parcels");

WHEREAS, following the acquisition of certain sites by the BRA, the California State Supreme Court, on December 29, 2011, issued a ruling on the constitutional validity of two 2011 legislative budget trailer bills, ABX 1 26 (Chapter 5, Statutes of 2011) and ABX 1 27 (Chapter 6, Statutes of 2011), which resulted in the outright elimination of all 425 redevelopment agencies in the State of California;

WHEREAS, the dissolution procedures under ABX 1 26, as revised by subsequent legislation, AB 1484 (Chapter 26, Statutes of 2012), which was passed, signed, and enacted on June 28, 2012, made significant changes to the provisions of ABX 1 26, including the process for sale or transfer of assets, requiring preparation and approval of a Long Range Property Management Plan ("PMP") by the Successor Agency and State Department of Finance ("DOF"). The Successor Agency's PMP designates the Agency Parcels for sale at fair market value;

WHEREAS, the City of Bell ("City") is a California charter municipal corporation public entity owning certain properties adjacent to the Agency Parcels, consisting of (i) 6504 Clarkson, APN 6325-020-900 and (ii) 4460 Gage Avenue, APN 6325-020-903, in the City of Bell, County of Los Angeles, State of California which are adjacent to the Agency Parcels (collectively, the "City Parcels"). For purposes of this Resolution, the City Parcels and Agency Parcels are collectively referred to as the "Site";

WHEREAS, Arroyo Seco Development Group, a California Limited Liability Company ("Developer"), desires to redevelop the Site with a restaurant/retail commercial center, which will be in compliance with all applicable laws and subject to City's discretionary approval of all plans and specifications in accordance with the City ordinances and regulations including, but not limited to, the General and Specific Plans and zoning regulations (the "Project");

WHEREAS, to allow for the Project, the Successor Agency and City desire to transfer to Developer the fee title to the Agency Parcels and City Parcels, respectively, in exchange for the Developer's payment of full fair market value of the Site (consistent with the PMP), agreed-upon terms of Project development, and subject to approval by the DOF;

WHEREAS, the sale of the Agency Parcels and the City Parcels, and development of the Project, is proposed to be implemented via two separate "Disposition and Development Agreements" (the "DDAs") consisting of (1) a DDA between the Agency and Developer for the Agency Parcels (the "Agency DDA" attached hereto as Exhibit "A"), and (2) a DDA between the City and Developer for the City Parcels (the "City DDA" attached hereto as Exhibit "B");
WHEREAS, the Successor Agency, CITY and Developer desire to enter into the DDAs to accomplish the sale of the Site to Developer, and agree that the development of the Project pursuant to the DDAs, and the fulfillment generally of its purpose are in the vital and best interests of the City of Bell and the health, safety, morals and welfare of its residents, and in accord with the public purposes and provisions of applicable federal, state and local laws and requirements;

WHEREAS, the execution and approval of the DDAs is not intended to be the final step in (1) the acquisition of certain third party parcels; (2) the sale of the Agency Parcels (or any other part of the Site); or (3) development of the Project, but instead, is intended to memorialize the parties’ understandings of how to evaluate and complete those steps necessary to acquire the third party parcels, if at all, and obtain all Entitlements, Project Approvals (including DOF approval as to the Agency Parcels), and Permits (as defined and described in the DDAs) to develop the Project on the Site (including amendments to the City's General Plan, Zoning Ordinance, and Specific Plan as required), all subject to separate compliance with the California Environmental Quality Act (“CEQA”);

WHEREAS, on February 8, 2017 the Successor Agency and City conducted a joint public hearing at a regular meeting, pursuant to notice of such hearing duly published, accepted and considered all documentary evidence and testimony and reviewed, analyzed and approved said DDA;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BELL DOES HEREBY RESOLVE AND DETERMINE AS FOLLOWS:

SECTION 1. The above recitals are all true and correct and are hereby adopted as findings.

SECTION 2. The development of the Project is (i) consistent with the Successor Agency’s approved PMP; (ii) the development of the Site pursuant to this Agreement is in the best interests of the City and its residents; (iii) in accordance with the public purposes and provisions of applicable federal, state and local laws, (iv) will generate tax revenue, and (v) will create jobs. On February 1, 2017, the Planning Commission adopted Resolution No. 2017-03-PC finding that the disposition of five City and Successor Agency owned parcels and alley way to be in conformance with the goals, objectives, and policies of the Bell General Plan.

SECTION 3. The Successor Agency Board of Directors and the City Council hereby respectively approve the Agency DDA (Exhibit “A”) and the City DDA (Exhibit “B”).

SECTION 4. The Successor Agency Chair and Executive Director, Mayor and City Manager are authorized and directed to take such actions and execute such documents as may be necessary to implement and effect this Resolution and the DDAs on behalf of the Agency and City and Authority, subject to the approval of the form of same by the City Attorney and Agency Counsel.

SECTION 5. The Agency Secretary and City Clerk shall certify to the passage and adoption hereof.

PASSED, APPROVED and ADOPTED this 8th day of February, 2017.
CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Angela Bustamante, City Clerk/Secretary, hereby attest to and certify that the foregoing resolution is the original resolution adopted by the Bell City Council and Bell Successor Agency Board at its regular meeting held on the 8th day of February, 2017, by the following vote:

AYES: Councilmembers Quintana, Saleh, Vice Mayor Gallardo and Mayor Romero

NOES: Councilmember Valencia

ABSENT: None

ABSTAIN: None

Angela Bustamante, Secretary/City Clerk