

RESOLUTION NO. OB-2012-06

A RESOLUTION OF THE OVERSIGHT BOARD FOR THE SUCCESSOR AGENCY TO THE FORMER REDEVELOPMENT AGENCY OF THE CITY OF CATHEDRAL CITY CONFIRMING AND CONSENTING TO THE DISPOSITION OF REAL PROPERTY TO M&M PROPERTY COMPANY, LLC AS AN IMPLEMENTATION MEASURE UNDER AN ENFORCEABLE OBLIGATION

WHEREAS, in accordance with the provisions of the California Community Redevelopment Law (Health & Safety Code Section 33000, *et seq.* (“CRL”), the City Council of the City of Cathedral City previously established the Redevelopment Agency of the City of Cathedral City, a public body, corporate and politic (“Agency”) to carry out the purposes of and exercise the powers granted to community redevelopment agencies in accordance with the CRL; and

WHEREAS, in accord with CRL Section 34172(a), the Agency was dissolved as of February 1, 2012 and its rights, powers, duties and obligations, other than the Agency’s housing assets and functions, were transferred to a “successor agency” (as defined by CRL Section 34171(j)); and

WHEREAS, in accord with CRL Section 34173, the City of Cathedral City (“City”) is the successor agency (“Successor Agency”) to the former Agency and, as such, is vested with all authority, rights, powers, duties and obligations previously vested in the Agency by the CRL, except for the Agency’s housing assets and functions, and except to the extent repealed, restricted or revised pursuant to provision of Assembly Bill X1 26 (“AB 26”); and

WHEREAS, the oversight board (“Oversight Board”) for the Successor Agency was formed and exists in accord with CRL Section 34179; and

WHEREAS, in accord with CRL Section 34171(d) (1) (E), a legally binding and enforceable agreement or contract constitutes an enforceable obligation; and

WHEREAS, the Disposition and Development Agreement by and between the Redevelopment Agency of the City of Cathedral City and M&M Property Company, a California Limited Liability Company, entered into on June 22, 2011 (the “DDA”) is a legally binding and enforceable contract and is thus an enforceable obligation; and

WHEREAS, the DDA requires both the transfer of specific real property (the “Transfer Property”) and an option of real property (the “Option Property”) acquired by the Agency to M&M Property Company, LLC, as depicted on the site map attached as Exhibit “A” (wherein the Transfer Property is labeled as the VW Parcel and the Option Property is labeled as the Option Parcel), to this resolution under conditions and for development purposes as identified in the DDA (collectively the “Subject Property”); and

WHEREAS, pursuant to CRL Section 34179(i), Oversight Boards have a fiduciary responsibility to holders of enforceable obligations; and

WHEREAS, pursuant to CRL Section 34181(a), Oversight Boards shall direct the Successor Agency to dispose of all assets and properties which shall include the Subject Property; and

WHEREAS, the Oversight Board desires (1) to confirm that the DDA is an enforceable obligation requiring the transfer of the Subject Property to M&M Property, LLC (2) to consent to the transfer of the Transfer Property to M&M Property, LLC as an implementation measure under this enforceable obligation (3) to consent to the granting of the option and the transfer of the Option Property under the terms of the DDA if the terms of the option are met.

THE OVERSIGHT BOARD AS THE GOVERNING BOARD FOR THE SUCCESSOR AGENCY OF THE FORMER REDEVELOPMENT AGENCY OF THE CITY OF CATHEDRAL CITY AS FOLLOWS:

Section 1. Based upon the oral and written evidence presented to the Oversight Board at the time of its consideration of this Resolution, the Oversight Board finds and determines as follows:

- (1) The DDA is an Enforceable Obligation pursuant to CRL Section 34171(d)(1)(E).
- (2) The Subject Property was as asset of the former Agency. The Subject Property became a Successor Agency asset on February 1, 2012. The Subject Property is depicted on Exhibit "A" which is incorporated into this resolution by reference.
- (3) The transfer of the Transfer Property to M&M Property Company, LLC is an implementation measure required by the DDA.
- (4) Approves the transfer of the Transfer Property to M&M Property Company, LLC on the terms and conditions specified in the DDA.
- (5) The granting of the option to M&M Property Company, LLC is an implementation measure required by the DDA.
- (6) Approves the eventual transfer of the Option Property to M&M Property Company, LLC if the terms of the option as expressed in the DDA are met.

Section 2. This Resolution will become effective in accord with CRL Section 34179(h).

The foregoing Resolution was duly and regularly adopted at a regular meeting of the Oversight Board to the Successor Agency of the Redevelopment Agency of Cathedral City held on June 14, 2012 by the following vote:

AYES: AGUILAR, De ROSA, ENGLAND, HOWELL, HENRY, SCOTT.

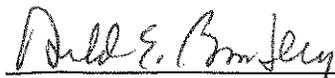
NOES:

ABSENT: ELLIS

ABSTAIN:


CHAIR

APPROVED:


City Manager of Successor Agency
on behalf of the Oversight Board

ATTEST:


Oversight Board Secretary

Exhibit "A"
(Subject Property)

EXHIBIT "A"

