

RESOLUTION NO. SA-2016-_____

**RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY
TO THE REDEVELOPMENT AGENCY OF THE CITY OF DESERT HOT
SPRINGS APPROVING AN AGREEMENT BETWEEN NAI CAPITAL AND THE
SUCCESSOR AGENCY OF DESERT HOT SPRINGS TO LIST AND SELL
CERTAIN REAL PROPERTY ASSETS OF THE SUCCESSOR AGENCY AND
APPROVING CERTAIN REALTED COSTS**

WHEREAS, pursuant to Health and Safety Code (the "HSC") § 34172 (a) (1), the Redevelopment Agency of the City of Desert Hot Springs dissolved February 1, 2012; and

WHEREAS, consistent with the provisions of the HSC, the City Council of the City of Desert Hot Springs (the "City") previously elected to serve in the capacity of the Successor Agency to the Redevelopment Agency of the City of Desert Hot Springs (the "Successor Agency"); and

WHEREAS, on September 10, 2013, the Successor Agency received its Finding of Completion (the "FOC") from the California Department of Finance (the "DOF") pursuant to HSC § 34179.7; and

WHEREAS, within six (6) months of the date of the FOC, HSC § 34191.5 requires the Successor Agency to prepare a Long-Range Property Management Plan (the "LRPMP") to address the disposition and use of the real property assets held by the Successor Agency; and

WHEREAS, pursuant to HSC § 34191.5 (c), the Successor Agency previously prepared and filed with the DOF its Oversight Board-approved LRPMP; and

WHEREAS, in its May 15, 2015 letter, the DOF formally approved the Successor Agency's LRPMP and notified the Successor Agency that pursuant to HSC § 34191.3, the approved LRPMP shall govern and supersede all other provisions of the HSC relating to the disposition and use of all the real property assets of the former redevelopment agency; and

WHEREAS, the approved LRPMP includes 44 parcels of land grouped into sixteen (16) separate sites, of which four (4) sites have already been sold or transferred to the City, leaving twelve (12) sites (3 sites zoned general commercial and 9 sites located within the City's Vortex Specific Plan) to be sold pursuant to the approved LRPMP; and

WHEREAS, in addition to these twelve (12) sites, the Successor Agency has two (2) surplus residential properties that are required to be sold, thereby creating a total of fourteen (14) sites to be sold (the "Successor Agency Property"); and

WHEREAS, on August 18, 2016, twenty-nine (29) local commercial brokers were mailed an invitation to apply for an opportunity to List and Sell the Successor Agency Property, and four (4) brokers responded by September 16, 2016, the deadline to apply; and

WHEREAS, on October 17, 2016, the four (4) prospective brokers were interviewed by a four-person panel, and NAI Capital ("NAI Capital") scored the highest; and

WHEREAS, based on their proposal, the highest proposed return on the sale of the Successor Agency Property, proposed fees associated with selling the Successor Agency Property, and outreach to potential buyers, NAI Capital is the most competitive broker to list and sell the Successor Agency Property; and

WHEREAS, approval of this Resolution will approve the selection of NAI Capital as a commercial broker to the Successor Agency and authorize the City Manager, in the capacity as Executive Director to the Successor Agency, to execute an agreement, which is included as Exhibit "A" of this Resolution, along with their proposal and interview scoring sheet for the purpose to List and Sell the Successor Agency Property; and

WHEREAS, this Resolution has been reviewed with respect to applicability of the California Environmental Quality Act (the "CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, § 15000 *et seq.*, hereafter the "Guidelines"), and the City's environmental guidelines; and

WHEREAS, this Resolution does not constitute a "project" for purposes of CEQA, as that term is defined by Guidelines § 15378, because this Resolution is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment, per § 15378 (b) (5) of the Guidelines; and

WHEREAS, all of the prerequisites with respect to the approval of this Resolution have been met.

NOW, THEREFORE, BE IT RESOLVED, DETERMINED, AND ORDERED BY THE BOARD OF THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF DESERT HOT SPRINGS AS FOLLOWS:

- Section 1.** The foregoing recitals are true and correct and are a substantive part of this Resolution
- Section 2.** The Successor Agency approves the selection of NAI Capital as their representing commercial broker.
- Section 3.** The City Manager, in the capacity as Executive Director of the Successor Agency, is authorized and directed to execute an agreement with NAI Capital.
- Section 4.** This Resolution is not a "project" for purposes of CEQA, as that term is defined by Guidelines § 15378, because this Resolution is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment, per § 15378 (b) (5) of the Guidelines.
- Section 5.** This Resolution shall take effect immediately upon the date of its adoption.

PASSED, APPROVED, AND ADOPTED by the Successor Agency to the Redevelopment Agency of the City of Desert Hot Springs at a regular meeting held on the 15th day of November, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

[SIGNATURES FOLLOW ON THE NEXT PAGE]

ATTEST:

Jerryl Soriano, Secretary
For the Successor Agency

APPROVED:

Scott Matas, Chairman
For the Successor Agency

APPROVED AS TO FORM:

Jennifer Mizrahi, General Counsel
For the Successor Agency <http://ghsblaw.com/attorney/bonifacio-bonny-garcia/>

EXHIBIT "A"

**AGREEMENT
NAI CAPITAL PROPOSAL
INTERVIEW SCORING SHEET**