

REPORT TO THE SUCCESSOR AGENCY OVERSIGHT BOARD



DATE: March 24, 2017

TITLE: Resolution Approving the Purchase and Sale Agreement and Joint Escrow Instructions Between Jay H. Lee for Real Property Located Between 4th Street and 5th Street Along Palm Drive

Prepared by: Linda Kelly, Finance Manager

Reviewed by: Robert Lee, Assistant City Attorney

RECOMMENDATION

Adopt a Resolution of the Oversight Board to the Successor Agency to the Redevelopment Agency of the City of Desert Hot Springs approving the Purchase and Sale Agreement and Joint Escrow Instructions ("Purchase and Sale Agreement") between the Successor Agency to the Redevelopment Agency of the City of Desert Hot Springs and Jay H. Lee with respect to the Real Property located between 4th Street and 5th Street along Palm Drive, Desert Hot Springs, California (APN's 639-212-019, -020, -022, and 023) and approving certain related actions.

BACKGROUND

Pursuant to Health and Safety Code (the "HSC") § 34172 (a)(1), the Redevelopment Agency of the City of Desert Hot Springs was dissolved February 1, 2012. 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"). The Oversight Board for the Successor Agency ("Oversight Board") has been established pursuant to HSC § 34179 to assist in the wind-down of the dissolved redevelopment agency.

On March 11, 2015, the Oversight Board approved its Resolution No. OB-2015-003, approving the Successor Agency's Long-Range Property Management Plan (the "LRPMP") and on May 15, 2015, the Department of Finance ("DOF") approved the LRPMP and notified the Successor Agency that pursuant to HSC § 34191.3, the approved LRPMP shall govern, and supersede all other provisions relating to the disposition and use of all the real property assets of the former redevelopment agency. The approved LRPMP, which addresses the disposition and use of the real property assets held by the Successor Agency, 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. 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 Properties").

DISCUSSION

The Successor Agency is the owner of that certain real property consisting of approximately 0.83 acres of vacant land located between 4th Street and 5th Street along Palm Drive, Desert Hot Springs, California (APNs 639-212-019, -020, -021, -022, and -023) (the "Property"). The Property, which is one of the Successor Agency Properties, is: identified as Site No. 7 of the LRPMP; (ii) described as a vacant commercial site; (iii) designated for future development; and (iv) more fully described in Exhibit "A," which is an excerpt from the LRPMP, and is included as Exhibit "A" to the attached Resolution.

On November 15, 2016, the Successor Agency approved an agreement with NAI Capital (the "NAI Agreement") to list and sell certain real property assets of the Successor Agency, all of which were subsequently listed for sale. As a part of the NAI Agreement, NAI has agreed to prepare a Broker's Opinion of Value (the "BOV") for each Successor Agency property that is sold. In response to NAI's listing, on February 8, 2017, Mr. Jay H. Lee offered to purchase the Property for \$115,000 (the "Purchase Price") (a copy of the offer letter is attached to the Resolution as Exhibit "B"). To determine whether the Purchase Price is fair and reasonable, the Successor Agency requested NAI to prepare a BOV, to confirm if the Purchase Price offered by Mr. Lee is fair and reasonable. Based on past practice, the DOF has acknowledged that BOVs are an acceptable method and basis for confirming that the value of real property being sold by a successor agency is fair and reasonable. On February 17, 2017, the Successor Agency received the BOV from NAI indicating its opinion that the market value of the Property is currently \$108,464 (the "BOV Market Value"). In consideration that the Purchase Price offered by Mr. Lee for the Property exceeds the BOV Market Value by \$6,536, or 6.0%, it may be concluded that the purchase price offered by Mr. Lee for the Property is fair and reasonable, as more fully described within the BOV for the Property, a copy of which BOV is attached to the Resolution as Exhibit "C."

It is the intent of the Successor Agency to sell the Property for \$115,000. On March 21, 2017, the Successor Agency Board approved the Purchase and Sale Agreement, an executed copy of which is attached to the Resolution as Exhibit "D."

Consistent with the provisions of the HSC and the LRPMP, the effectiveness of the Purchase and Sale Agreement is subject to the approval of the Oversight Board. Due to the Successor Agency's current cash-flow insolvency condition, the Oversight Board and the DOF will be requested to permit the Successor Agency to retain the net land sales proceeds for the purpose of funding enforceable obligations authorized on a Recognized Obligation Payment Schedule.

Consistent with the provisions of the HSC, it is recommended that the Oversight Board approve the attached Agreement and retention of the net lands proceeds for the intended stated use.

FISCAL DATA

The purchase price offered for the Property is \$115,000. Consistent with the provisions of the HSC, the Successor Agency is requesting that the DOF permit the Successor Agency to retain the net land sales proceeds for the purpose of funding enforceable obligations authorized on a Recognized Obligation Payment Schedule.

EXHIBITS

- 1) Resolution Approving Purchase and Sale Agreement and Joint Escrow Instructions for the property located between 4th and 5th Street and Palm Drive, Desert Hot Springs, California
- 2) Narrative for Site Number 7 – Excerpted from the DHS Long Range Property Management Plan (Exhibit A to Resolution)
- 3) February 10, 2017 Letter from Mr. Lee – Offer to Purchase the Property (Exhibit B to Resolution)
- 4) February 17, 2017 Brokers Opinion of Value prepared by NAI Capital (Exhibit C to Resolution)
- 5) Purchase and Sale Agreement and Joint Escrow Instructions between the Successor Agency and Mr. Lee (Exhibit D to Resolution)