

**RESOLUTION NO. 06-23**

**RESOLUTION OF THE MEMBERS OF THE RICHMOND COMMUNITY REDEVELOPMENT AGENCY ACCEPTING THE SUMMARY REPORT PURSUANT TO SECTION 33433 AND APPROVING THE PURCHASE AND SALE AGREEMENT BETWEEN THE RICHMOND COMMUNITY REDEVELOPMENT AGENCY AND RICHMOND LABOR OF LOVE LOCAL DEVELOPMENT CORPORATION FOR THE MACDONALD PLACE SENIOR HOUSING DEVELOPMENT**

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**WHEREAS**, the proposed Macdonald Place Senior Housing Development (the "Development") located on Macdonald Avenue between 3<sup>rd</sup> and 5<sup>th</sup> Streets will entail the construction of approximately 66 units of affordable rental housing for low-income seniors to be developed by Richmond labor of Love Local Development ("Developer"); and

**WHEREAS**, the Richmond Community Redevelopment Agency (the "Agency") is responsible for implementation of the Amended and Restated Redevelopment Plan for Project Area No. 10-A (Downtown) ("Project Area") adopted by Ordinance No. 26-99 N.S. and dated July 13, 1999 ("Redevelopment Plan"). The Redevelopment Plan sets forth a plan for redevelopment of the Project Area consistent with the policies and standards of the General Plan of the City of Richmond ("City") and the goals for the Redevelopment Plan include alleviation of blighting conditions and expanding the community's supply of housing affordable to very low, low and moderate-income households; and

**WHEREAS**, the Agency holds fee simple title to parcels at 300 Macdonald Avenue, 400 Macdonald Avenue and "0" Macdonald Avenue, Richmond, California, Contra Costa County Assessor's Parcel Numbers ("APN") 538-200-002, 538-200-003; 538-210-001, 538-210-025, 538-210-026; 538-200-004 within the Project Area ("Agency Property"), and

**WHEREAS**, the Developer currently is the owner of six parcels of real property which are adjacent to the Agency Property and identified as APN 538-200-005, 538-210-002 and 538-210-003 (the "Developer's Property") and it is the intention of the Developer to consolidate the Agency Property with the Developer's Property as the site for the Development (the "Property"); and

**WHEREAS**, pursuant to the Redevelopment Plan, the Agency and the Developer desire to cause the development of the Property into a multi-unit housing development of approximately 66 rental units low-income senior households (the "Development"); and

**WHEREAS**, in furtherance of the Redevelopment Plan, Agency staff has prepared a Purchase and Sale Agreement (the "PSA") with the Developer that provides for the disposition of the Agency Property to the Developer; and

**WHEREAS**, the Developer desires to acquire the Agency Property from the Agency and the Agency desires to convey the Agency Property to the Developer, subject to the terms and conditions of the PSA; and

**WHEREAS**, the Developer has secured a loan of One Million Three Hundred and Twenty-Five Thousand Dollars (\$1,325,000) of HUD Section 108 Loan Funds ("Loan") from the City to assist in certain predevelopment activities in connection with the acquisition, development and construction of the Development; and

**WHEREAS**, the Developer intends to finance the construction of the Development with conventional and public agency financing, including but not

limited to a loan that the Agency may make to the Developer under a separate loan agreement, and low income housing tax credits; and

**WHEREAS**, completion of this Development in the Project Area will further the Agency's goals of expanding the community's supply of housing affordable to very low- and low- income households, will assist in ameliorating blight in the Project Area, and will serve as a catalyst for redevelopment of the area; and

**WHEREAS**, the Community Redevelopment Law provides in Section 33433 that before any property acquired, in whole or in part, with tax increment monies, is sold or leased for development pursuant to a redevelopment plan, such sale or lease shall first be approved by the legislative body after a public hearing; that notice of the time and place of the hearing shall be published in a newspaper of general circulation in the community for at least two (2) successive weeks prior to the hearing; and that the Agency shall make available for public inspection a copy of the proposed sale or lease and a report containing specified information and the financial aspects of the proposal; and

**WHEREAS**, notice of the public hearing was published in the West County Times, on July 3 and July 10, 2006; and

**WHEREAS**, pursuant to Health and Safety Code section 33433, a report was prepared and made available for public inspection and copying no later than the time of publication of the first notice of the public hearing, which report includes a copy of the proposed PSA and a summary including the information required by Section 33433; and

**WHEREAS**, the City Council and the Agency Board held a joint public hearing on July 18, 2006, to consider the approval of the proposed PSA; and

**WHEREAS**, the Agency Board desires to approve the proposed PSA.

**NOW THEREFORE, BE IT RESOLVED** that the Richmond Community Redevelopment Agency Board hereby accepts the Macdonald Place Senior Project Summary Report pursuant to Section 33433 of the California Community Redevelopment Act on a Purchase and Sale Agreement by and between the Richmond Community Redevelopment Agency and Richmond Labor of Love Local Development Corporation pertaining to the Property, which is within Downtown Redevelopment Project Area 10A; and

**BE IT FURTHER RESOLVED** that the Richmond Community Redevelopment Agency Board hereby accepts findings set forth in the report that the sale or lease of the properties will assist in the elimination of blight, is consistent with the Redevelopment Plan for the Downtown Redevelopment Project Area 10A and that the consideration for the Property is not less than the fair reuse value based on the covenants, use conditions and development costs authorized by the sale or lease of the Property; and

**BE IT FURTHER RESOLVED** that the Richmond Community Redevelopment Agency Board finds and determines that approval and implementation of the PSA, and disposition of the Agency Property to the Developer as provided in the PSA will assist in the elimination of blight, and is consistent with the Five-Year Implementation Plan adopted by the Agency pursuant to Health and Safety Code Section 33490; and

**BE IT FURTHER RESOLVED** that the Richmond Community Redevelopment Agency Board hereby approves the Purchase and Sale Agreement, all exhibits thereto and all ancillary documents; authorizes the Executive Director to execute the Purchase and Sale Agreement, all exhibits

thereto, and all ancillary documents necessary to effectuate the intent of the Agreement, substantially in the form on file with the Agency Clerk, with such changes as are approved by the Agency signatory; authorizes the Executive Director to implement the PSA, all exhibits thereto and all ancillary contracts and documents necessary to effectuate the intent of the PSA; and to negotiate and execute amendments to the PSA substantially in conformance with the intent of the PSA as reasonably necessary to conform to lender requirements; and

**BE IT FURTHER RESOLVED** that the Richmond Community Redevelopment Agency Board hereby authorizes the Executive Director to administer and expend funds for eligible activities including the expenditure of loan funds in an amount not-to-exceed the budget of the approved funds for the Project, which may be amended from time to time by action of the Agency Board.

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I certify that the foregoing Resolution was passed and adopted by the Richmond Community Redevelopment Agency of the City of Richmond at a regular meeting held on July 18, 2006 the following vote:

AYES:	Councilmembers Bates, Butt, Marquez, McLaughlin, Rogers, Thurmond, Viramontes, and Chairperson Anderson
NOES:	None
ABSTENTIONS:	None
ABSENT:	Councilmember Griffin

DIANE HOLMES  
Redevelopment Agency Clerk

(SEAL)

Approved:

IRMA L. ANDERSON  
Agency Chair

Approved as to form:

IRMA L. ANDERSON  
Agency Attorney

State of California            }  
County of Contra Costa       : ss.  
City of Richmond             }

I certify that the foregoing is a true copy of Resolution No. 23-06, finally passed and adopted by the Redevelopment Agency at a regular meeting held on July 18, 2006.