

RESOLUTION NO. 2011-08

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMOORE APPROVING AN AGREEMENT WITH THE LEMOORE REDEVELOPMENT AGENCY FOR THE PAYMENT BY THE AGENCY FOR THE VALUE OF THE LAND FOR AND THE COST OF INSTALLING AND CONSTRUCTING PUBLICLY OWNED IMPROVEMENTS, INCLUDING ADMINISTRATIVE AND OVERHEAD EXPENSES

At a Regular Meeting of the Lemoore City Council duly called and held on February 15, 2011 at 7:30 p.m. on said day, it was moved by Council Member _____ seconded by Council Member _____, and carried that the following Resolution be adopted:

WHEREAS, the Lemoore Redevelopment Agency (the "Agency") is a duly constituted redevelopment agency under the laws of the State of California and pursuant to such laws is responsible for the administration of redevelopment activities within the City of Lemoore ("City").

WHEREAS, the Agency is undertaking a program to redevelop Redevelopment Project Area, including the 1986 Original Project Area, the 1990 Amendment No. 1 to the Redevelopment Project Area, and the 1997 Amendment No. 2 to the Redevelopment Project Area (collectively referred to as the "Project Area").

WHEREAS, pursuant to provisions of the Community Redevelopment Law (California Health and Safety Code Section 33000, *et seq.*), the Agency proposes to pay for the value of the land for and the cost of installing and constructing the public improvements, including administrative and overhead expenses, set forth on Exhibit A of the agreement described in Section 5 hereof (collectively, the "Improvements").

NOW, THEREFORE, BE IT RESOLVED, that based on information presented to the City Council, the City Council makes the following findings:

(a) The acquisition of land and the installation and construction of the Improvements are of benefit to the Project Area by helping eliminate blight within the Project Area or providing housing for low or moderate income persons.

(b) The payment of funds for the acquisition of land and the installation and construction of the Improvements is consistent with the Agency's implementation plans adopted pursuant to Health and Safety Code Section 33490.

(c) No other reasonable means of financing the acquisition of the land or the installation and construction of the Improvements are available to the City, including but not limited to the Mello-Roos Community Facilities Act of 1982 (Chapter 2.5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5 of the Government Code).

(d) With respect to those improvements set forth on Exhibit A which are located outside and not contiguous to the Project Area, if any, and which are not an obligation of the Agency under an existing contract or specifically described in the implementation plan prepared by the Agency as of December 1, 2009 pursuant to Health and Safety Code Section 33490, the acquisition of land or the installation and construction of the Improvements are of benefit to the Project Area by helping eliminate blight within the Project Area or will directly assist in the provision of housing for low or moderate income persons and the payment of funds for the acquisition of land and the installation and construction of the Improvements is provided for in the redevelopment plan for the Project Area.

THEREFORE, BE IT FURTHER RESOLVED that the City Council hereby approves payment by the Agency for the acquisition of the land and the cost of the installation and construction of the Improvements, including administrative and overhead expenses, pursuant to the Advance and Reimbursement Agreement presented to the City Council at this meeting and on file in the office of the City Clerk. The Advance and Reimbursement Agreement is hereby approved in the form on file and the Mayor (and any other officer of the City authorized to sign agreements pursuant to an ordinance adopted in accordance with Government Code Section 40602) (each, an "Authorized Officer") is hereby authorized, acting singly, to execute and deliver the Advance and Reimbursement Agreement in substantially said form with such changes therein as the Authorized Officer executing the same may approve (such approval to be conclusively evidenced by the execution and delivery thereof).

THEREFORE, BE IT FURTHER RESOLVED that the City Council hereby finds that the Advance and Reimbursement Agreement for the Improvements is a governmental funding mechanism and does not involve the City's commitment to any specific improvement, thus such Advance and Reimbursement Agreement is not a project for purposes of the California Environmental Quality Act pursuant to CEQA Guidelines Section 15378(b)(4).

THEREFORE, BE IT FURTHER RESOLVED that the officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they may deem necessary or advisable in order to effectuate the purposes of this Resolution, and any such actions previously taken by such officers are hereby ratified and confirmed.

PASSED AND ADOPTED by the City Council of the City of Lemoore at a council meeting held on the 15th day of February, 2011 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED: _____
Willard J. Rodarmel, Mayor

ATTEST:

Nanci C.O. Lima, MMC
City Clerk

CERTIFICATE

STATE OF CALIFORNIA)
CITY OF LEMOORE) ss
COUNTY OF KINGS)

I, Nanci C.O. LIMA, City Clerk of the City of Lemoore, do hereby certify the foregoing Resolution of the City Council of the City of Lemoore was duly passed and adopted at a Regular Meeting of the City Council held on February 15, 2011.

Dated: February 16, 2011

Nanci C.O. Lima, MMC
City Clerk