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SUBMITTAL TO THE BOARD OF DIRECTORS OF THE REDEVELOPMENT AGENCY COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



FROM: Redevelopment Agency

SUBMITTAL DATE:
November 29, 2006

SUBJECT: RDA Resolution 2006-48, Authorization to Acquire Real Property for the Middleton Street Affordable Housing Project; APNs 751-160-007, 009, 012 and 014; 4th Supervisorial District

RECOMMENDED MOTION: That the Board of Directors:

1. Adopt RDA Resolution No. 2006-48, Authorization to Acquire Real Property for the Middleton Street Affordable Housing Project, Assessor's Parcel Numbers 751-160-007, 009, 012, and 014;
2. Approve the Memorandum of Understanding Including Right to Negotiate and the Assignment, Assumption, Amendment and Consent for the purchase of APNs 751-160-007, 009, 012, and 014; and
3. Authorize the Executive Director of the Redevelopment Agency or designee to administer all actions necessary and to sign any related documents necessary to complete this acquisition. ✓

BACKGROUND: On November 7, 2006, the Board of Directors approved \$4,393,000 for RDA Resolution 2006-37, Notice of Intent to Acquire APNs 179-160-007, 009, 012 and 014, for the proposed Middleton Street Affordable Housing Project. In addition, Urban Housing Communities (UHC), the proposed developer for the Project, paid the seller a non-refundable deposit of \$160,500 to protect Agency's exclusive right to acquire the land. (Continued on Page 2)

RZ:JC:DL:TE:JMP:AG:CW:bp
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Robin Zimpfer
Robin Zimpfer
Executive Director

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|-----------------------|-------------------------------|------------------|-------------------------|---------|
| FINANCIAL DATA | Current F.Y. Total Cost: | \$ 4,553,500 | In Current Year Budget: | Yes |
| | | Plus escrow fees | | |
| | Current F.Y. Net County Cost: | \$ 0 | Budget Adjustment: | No |
| | Annual Net County Cost: | \$ 0 | For Fiscal Year: | 2006/07 |

COMPANION ITEM ON BOARD OF SUPERVISORS AGENDA: NO

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| SOURCE OF FUNDS: Low- and Moderate-Income Housing Funds | Positions To Be Deleted Per A-30 | <input type="checkbox"/> |
| | Requires 4/5 Vote | <input checked="" type="checkbox"/> |

C.E.O. RECOMMENDATION:

APPROVE

Ch. L. L. L.

County Executive Office Signature

Policy

Consent

Dep't Recomm.:
Per Exec. Ofc.:

3008 DEC - 2 11:31

Prev. Agn. Ref.: 11/7/06, # 4:311A

District: 4

Agenda Number:

BACKGROUND (continued):

Therefore, reimbursement of \$160,500 to UHC is required as a part of this transaction, bringing the total to \$4, 393,000.

The subject properties are contiguous and together compose roughly a right-angle triangle shaped parcel, summed together as a 23.87 acre of unimproved real property. This preferred site for the Middleton Street Affordable Housing Project is bordered by Middleton Street, Avenue 66, and Highway 86 in the unincorporated community of Thermal.

Guided by Government Code 7267, 'In order to encourage and expedite the acquisition of real property by agreements with owners, to avoid litigation and relieve congestion in the courts, to assure consistent treatment for owners in the public programs, and to promote public confidence in public land acquisition practices, public entities shall, to the greatest extent practicable...', the Agency recommends the adoption of Resolution 2006-48.

**RDA RESOLUTION NO. 2006-48
AUTHORIZATION TO PURCHASE REAL PROPERTY IN THE UNINCORPORATED
COMMUNITY OF THERMAL**

(Fourth Supervisorial District)

WHEREAS, the Redevelopment Agency for the County of Riverside, "Agency," is a Redevelopment Agency duly created, established and authorized to transact business and exercise its powers, under and pursuant to the provisions of the Community Redevelopment Law which is Part 1 of Division 24 of the California Health and Safety Code (commencing with Section 33000 et seq.); and

WHEREAS, Agency has adopted Redevelopment Plans for Redevelopment Project Area Nos. 1-1986, Jurupa Valley, Mid-County, Desert Communities, and I-215 Corridor, as amended, hereinafter referred to as "Project Areas"; and

WHEREAS, pursuant to Section 33670 of the Health and Safety Code, the Agency began receiving tax increment from the Project Areas in January 1988, and continues to receive annual tax increment revenue; and

WHEREAS, pursuant to the provisions of the Community Redevelopment Law, Section 33391 of the Health and Safety Code, the Agency may acquire, within a survey area or for purpose of redevelopment, any interest in real property; and

WHEREAS, the Preferred Site, hereinafter referred to as the "Property," is identified as APNs 751-160-007, 009, 012, and 014, more particularly described in Exhibit "A," attached hereto; and

WHEREAS, the Property is located outside the Desert Communities Project Area but as an affordable housing project we find and determine that it is a benefit to the project area; and

WHEREAS, Urban Housing Communities has entered into a purchase and sale agreement for the Property with owner, Cocopah Nurseries, Inc.; and

WHEREAS, Urban Housing Communities wishes to assign said purchase and sale agreement to Agency; and

1 **WHEREAS**, Agency wishes to accept said assignment and acquire the Property
2 at a negotiated price and supported by an independent fee appraisal report; and

3 **WHEREAS**, Cocopah Nurseries, Inc is a willing seller and consents to the above
4 described assignment; and

5 **WHEREAS**, Urban Housing Communities has paid Cocopah Nurseries, Inc a
6 non-refundable deposit fee in the amount \$160,500; and

7 **WHEREAS**, prior to using the Property for the purpose described in this
8 resolution the Agency understands and agrees to fully comply with the California
9 Environmental Quality Act; and

10 **WHEREAS**, the purchase of this Property will assist the Agency in meeting its
11 goal in providing low to moderate-income housing and will help eliminate blight within
12 the Project Area.

13 **BE IT RESOLVED, DETERMINED, AND ORDERED** by the Board of Directors of
14 the Redevelopment Agency for the County of Riverside, State of California, in regular
15 session assembled on December 12, 2006, as follows:

16 1. That the Board of Directors hereby finds and declares that the above
17 recitals are true and correct;

18 2. That the Redevelopment Agency for the County of Riverside is authorized
19 to purchase the Property in the Desert Community Project Area from Cocopah
20 Nurseries, Inc in the amount of \$4,393,000. For the right to exclusively acquire the
21 Property from Cocopah, Agency is authorized to pay Urban Housing Communities
22 \$160,500, reimbursing them for the non-refundable deposit already expended by Urban
23 Housing Communities and paid to Cocopah;

24 3. That the Chairman of the Board of Directors is hereby authorized to
25 execute any and all documents necessary to purchase the real property from Cocopah
26 Nurseries, Inc; and

27 4. That the Executive Director of the Redevelopment Agency or designee is
28 hereby authorized to take the necessary actions and execute any related documents to

- 1 complete this purchase.
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FORM APPROVED
COUNTY COUNSEL

DEC 04 2006

By 

LEGAL DESCRIPTION

Real property in the unincorporated area of the County of Riverside, State of California, described as follows:

PARCEL 1: (751-160-007)

THE SOUTHWESTERLY 10 ACRES OF LOT 10 OF SUBDIVISION OF A PORTION OF SECTION 17, TOWNSHIP 7 SOUTH, RANGE 8 EAST, SAN BERNARDINO BASE AND MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF, AS SHOWN BY MAP OF FILE IN BOOK 10 PAGE 23, OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

EXCEPT THE SOUTHWESTERLY 10 FEET OF SAID SOUTHEASTERLY 350 FEET.

PARCEL 2: (751-160-009)

LOT 10 OF THE SUBDIVISION OF A PORTION OF SECTION 17, TOWNSHIP 7 SOUTH, RANGE 8 EAST, SAN BERNARDINO BASE AND MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF, AS SHOWN BY MAP ON FILE IN BOOK 10 PAGE 23, OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

EXCEPT THE SOUTHWESTERLY 10 ACRES, THE NORTHEASTERLY TINE OF SAID 10 ACRES BEING PARALLEL WITH THE SOUTHWESTERLY LINE OF SAID LOT 10;

ALSO EXCEPT THAT PARDON OF SAID PROPERTY CONVEYED TO HENRY J. DIETRICH AND GEORGIA LEE DIETRICH, HUSBAND AND WIFE, BY DEED RECORDED JULY 14, 1949 AS INSTRUMENT NO. 1550 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 10;
THENCE SOUTH 45° 35' WEST 308.6 FEET;
THENCE IN A NORTHWESTERLY DIRECTION, 216 FEET, TO A GIVEN POINT 378 FEET WEST OF THE POINT OF BEGINNING;
THENCE EAST 378 FEET TO THE POINT OF BEGINNING;

ALSO EXCEPT ONE-HALF INTEREST IN AND TO ALL OIL, OTHER HYDROCARBONS, GAS AND OTHER ASSOCIATED SUBSTANCES AND OTHER MINERALS AND KINDRED SUBSTANCES IN AND/OR LYING UNDER SAID LAND, AS RESERVED IN DEED FROM OLLA J. GRANT AND ELSIE M. GRANT, HUSBAND AND WIFE, RECORDED JUNE 22, 1954 IN BOOK 1600 PAGE 50 OF OFFICIAL RECORDS OF RIVERSIDE COUNTY, CALIFORNIA.

PARCEL 3: (751-160-012 AND 750-160-014)

LOT 1 OF THE SUBDIVISION OF A PORTION OF SECTION 17, TOWNSHIP 7 SOUTH, RANGE 8 EAST, SAN BERNARDINO BASE AND MERIDIAN, ACCORDING TO THE OFFICIAL PLAT THEREOF, AS SHOWN BY MAP ON FILE IN BOOK 10 PAGE 23, OF MAPS, RECORDS OF RIVERSIDE COUNTY, CALIFORNIA;

EXCEPT THE NORTHEASTERLY ONE-HALF ACRE OF THE SOUTHWESTERLY THREE-QUARTERS ACRE OF SAID LOT 1, THE NORTHEASTERLY AND SOUTHWESTERLY LINES OF SAID ONE-HALF ACRE BEING PARALLEL WITH THE NORTHEASTERLY AND SOUTHWESTERLY LINES OF SAID LOT