

RESOLUTION NO. HA 03-11

RESOLUTION OF THE LANCASTER HOUSING AUTHORITY
APPROVING AN AGREEMENT FOR THE SALE OF REAL
PROPERTY BY AND BETWEEN THE LANCASTER
HOUSING AUTHORITY AND CARITAS ACQUISITION I,
LLP

WHEREAS, the Lancaster Housing Authority (the “Authority”) is authorized and empowered under Housing Authorities Law to enter into agreements for the acquisition, disposition and development of real property and otherwise assist in the preservation of the supply of mobile homes for housing persons and families of low and moderate income, to acquire real and personal property within the City, to make and execute contracts and other instruments necessary or convenient to exercise its powers, and to incur indebtedness to finance or refinance redevelopment projects; and

WHEREAS, the Authority is the owner of the Brierwood Mobile Home Park located at the intersection of Challenge Way and East Avenue I in the City of Lancaster on real property, which is described in more detail in Exhibit “A” hereto (“Property”).

WHEREAS, the Caritas Acquisition I, LLP (“Caritas”) desires to acquire the Property from the Authority for purposes of continuing the operation of the Park to provide affordable housing for persons and families of low and moderate income.

WHEREAS, the Authority and Caritas desire to enter into the Brierwood Acquisition Agreement (the “Agreement”) in order to implement the provisions of the Housing Authorities Law by providing for the sale of the Property to Caritas and the operation of the Park by Caritas.

WHEREAS, the Authority further desires to enter into the Agreement because, pursuant to the Housing Authorities Law will maintain and preserve the supply of mobile homes available to provide affordable housing for persons and families of low and moderate income and provide an environment for the social, economic and psychological growth and well-being of the citizens of the City.

WHEREAS, pursuant to Section 34315.7 of the California Health and Safety Code, the Authority is authorized to convey real property to non-profit corporations for development of housing for low and moderate income persons; and

WHEREAS, Public Resources Code Section 21090 of CEQA provides that all public and private activities or undertakings pursuant to, or in furtherance of, a redevelopment plan shall be deemed to be a single project, and no additional environmental review of such activities is required unless pursuant to Public Resources Code Section 21166 such activities constitute a substantial change in the redevelopment plan or the circumstances under which the plan is being undertaken and such changes will require major revisions of the EIR prepared for the plan, or

new information which could not have been known at the time the EIR was completed, becomes available; and

WHEREAS, the Final EIR for the Lancaster General Plan (categorized as a “community plan”), was certified by the City Council on July 14, 2009 (the “EIR”), respectively; and

WHEREAS, the project under the proposed Agreement (the “Project”) is consistent with the Lancaster General Plan requirements; the Project has no potential for causing significant effects on the environment which have not already been sufficiently addressed and mitigated by the measures outlined in the EIR; the Project does not represent a change in the Redevelopment Plan or the circumstances under which it is being undertaken; the there is no substantial new information showing that any environmental impact will be more significant than that which is described in said EIR; and

WHEREAS, all actions required by all applicable law with respect to the proposed Agreement have been taken in an appropriate and timely manner; and

WHEREAS, the Authority has duly considered all the terms and conditions of the proposed Agreement and believes that the disposition of the Property pursuant thereto is in the best interest of the City of Lancaster and the health, safety, and welfare of its residents, and in accord with the public purposes and provisions of the applicable state and local laws and requirements.

NOW, THEREFORE, THE LANCASTER HOUSING AUTHORITY DOES HEREBY RESOLVE, DETERMINE AND FIND AS FOLLOWS:

1. The Authority finds and determines that, based upon evidence provided in the record before it, the consideration for the Authority's disposition of the Property pursuant to the terms and conditions of the Agreement, is not less than either the fair market value or the fair reuse value in accordance with the covenants, conditions and restrictions imposed under the Agreement and the costs required under the Agreement. The Authority further determines that the property is not required to its foreseeable needs.

2. The Authority has reviewed and considered the prior EIR approved by the City and finds and determines, based on all evidence in the record, there are no substantial changes in the Project or substantial changes with respect to the circumstances under which the Project is undertaken. There is no new substantial information that shows the Project to have one or more significant effects not discussed in the EIR or that the significance of one or more effects has been increased. The Authority further finds that the EIR sufficiently addresses all potential significant effects from this Project and there is no information showing this Project or the circumstances under which it is being undertaken will change. Therefore, none of the conditions set forth in CEQA Guidelines Section 21166 exist. The Authority, as a Responsible Authority, therefore finds that no further environmental review is required, and the Authority Secretary is hereby authorized to prepare and file a Notice of Determination with the Clerk for the County of Los Angeles pursuant to Public Resources Code Section 21152.

3. The Agreement, a copy of which is on file with the Secretary of the Authority, is hereby approved. The Authority's Executive Director is hereby authorized to execute the Agreement on behalf of the Authority, and to take such actions and execute such other documents on behalf of the Authority, and to take such actions and execute such other documents and instruments on behalf of the Authority to implement the Agreement.

PASSED, APPROVED and ADOPTED this ____ day of _____, 2011, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

GERI K. BRYAN, CMC
Authority Secretary
Lancaster Housing Authority

MAYOR R. REX PARRIS
Chairman
Lancaster Housing Authority

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF LANCASTER)

CERTIFICATION OF RESOLUTION
LANCASTER HOUSING AUTHORITY

I, _____, _____ Lancaster Housing Authority, CA, do hereby certify that this is a true and correct copy of the original Resolution No. HA 03-11 for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE LANCASTER HOUSING AUTHORITY, on this ____ day of _____, _____.

(seal)
