

3133 24

SCALE 1" = 50'

SITE MAP

4852 5835

REVISE :
 1-21-53
 4-10-61
 700521001
 780302
 820210
 20040204-1307003-A1
 305-101207041-041-A1
 2005030206002001-A1

ELM

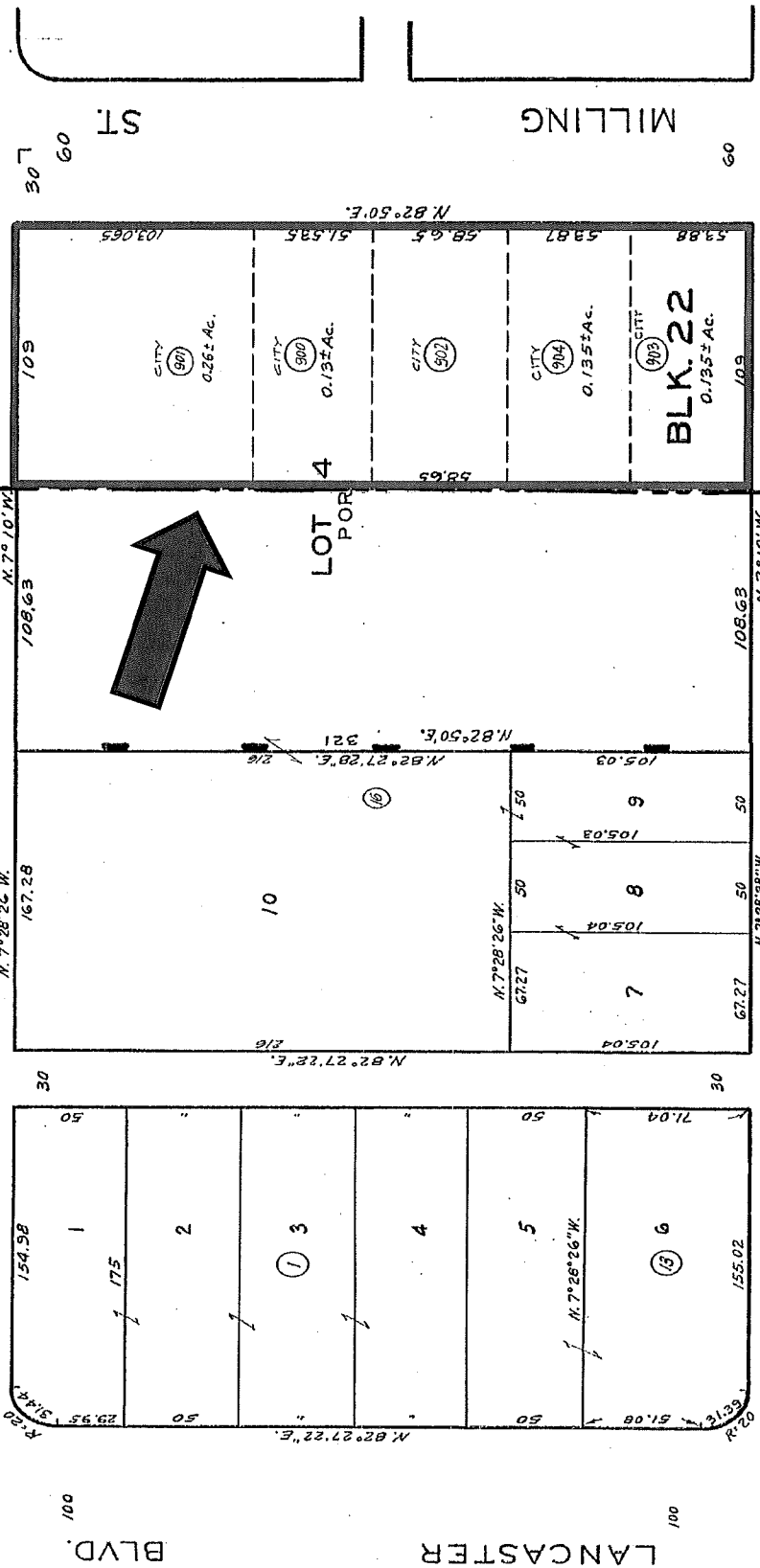
AVE. 89

60

30

100

2005



FIG

AVE. 89

60

30

100

TRACT NO. 15058
 M. B. 325 - 35
LANCASTER
 M. R. 5 - 470 - 471

CODE
 3635
 4852

NO. 15 FOR PREV. ASSM'T. SEE : 1999-24

ASSESSOR'S MAP
 COUNTY OF LOS ANGELES, CALIF.

**INFORMATION SUMMARY (33433 REPORT)
FOR THE
SALE OF REAL PROPERTY
WITH NO CURVES, L.P.**

This summary is provided pursuant to Section 33433 of the California Community Redevelopment Law (Part 1 of Division 24 of the Health and Safety Code).

1. Cost of Project to the Agency:

The Sale of Real Property Agreement between the Lancaster Redevelopment Agency and the No Curves, L.P. (NCLP) requires the Agency to transfer land to the LMFPM for the construction of an affordable housing development. The cost of the Property to the Agency is determined based on the following information:

- a. Acquisition Cost: The City acquired five single-family residential units for \$677,964.93.
- b. Clearance Costs: \$ 78,842.91
- c. Relocation Costs: \$ 52,370.14
- d. Improvement Costs: None
- e. Finance costs: None

2. Estimated value of interest to be conveyed by the Agency to the No Curves, L.P. determined at highest and best use permitted by the Redevelopment Plan:

The estimated value of the interest to be conveyed at its "highest and best use" based on the appraised value is \$300,000. The value is based on an independent appraisal of the property.

3. The estimated value of interest to be conveyed at the use and with the conditions, covenants and restrictions required by the transfer of the property:

Section 33433 of the California Health and Safety Code requires the Agency to identify the value of the interests being conveyed at the highest use allowed by the properties' zoning and the requirements imposed by the redevelopment plan. The valuation must be based on the assumption that near-term development is required, but the valuation does not take into consideration any extraordinary use and/or quality restrictions being imposed on the development by the Agency. The Agency commissioned a highest and best use appraisal of the Agency Parcels to establish the price to be paid to acquire the Agency Parcels from the City. This appraisal concluded that residential development represents the highest and best use of the Agency Parcels, and the fair market value is \$300,000.00.

The foregoing value is the fair market value of the Agency Parcels based on the appraised value of such parcels at their highest and best use with no restrictions on the development, ownership, use, or operation of the properties. However, under the Agreement, the Agency Parcels are and will remain fully restricted for the 30 year affordability period as to qualifications for ownership, affordable housing use, ongoing maintenance standards, sale and transfer restrictions to specific income levels and at an affordable housing cost, etc. such that the value of the property interests to be conveyed is dramatically affected by such covenants and restrictions. The Agency is authorized under the Community Redevelopment Law, Sections 33334.2 and 33334.6 , *et seq.* to sell or lease property for less than its fair market or fair reuse value if the disposition and development and operation of the Project meets the affordable housing requirements, as this Project does. Analysis of the “estimated value of interest” must take into account the fair market value of the property and the Agency’s obligation to assist with a growing need within the community for affordable housing.

4. The acquisition price which the No Curves, L.P. of the Antelope Valley will be required to pay during the terms of the Real Property Transfer Agreement:

The LMFM will receive title to the property subject to the terms and conditions as outlined within the Sale Agreement. As long as the facility remains an affordable housing project, the acquisition price is \$300,000.00.

5. Explanation as to the reason why the sale of the property will assist in the elimination of blight:

In connection with the adoption of the Redevelopment Plan for the Redevelopment Project Area Central Business District in 1981, based on the evidence presented at the public hearing, the City council found that:

“(a) The Project Area is a blighted area, the redevelopment of which is necessary to effectuate the public purposes declared in the Community Redevelopment Law of the State of California and specifically that the Project Area is characterized by properties which suffer from economic dislocation, deterioration or disuse because of one of the following factors:

- (1) economic dislocation, deterioration, or disuse resulting from faulty planning;
- (2) the subdividing and sale of lots of irregular form and shape and inadequate size for proper usefulness and development;
- (3) the laying out of lots in disregard of the contours and other topography or physical characteristics of the ground and surrounding conditions;
- (4) the existence of inadequate public improvements, public facilities, open spaces and utilities which cannot be remedied by private or governmental action without redevelopment;

- (5) the prevalence of depreciated values, impaired investments and social and economic maladjustments.
- (6) the existence of lots or other areas which are subject to being submerged by water;

which conditions cause a reduction of, or lack of, property utilization of the area to such an extent that it constitutes a serious physical, social or economic burden on the community which cannot reasonably be expected to be reversed or alleviated by private enterprise action along;

The City council also declared that the purpose and intent of the City Council in adopting the Redevelopment Plan were:

- “(1) The elimination and prevention of the spread of blight and deterioration and the conservation, rehabilitation and redevelopment of the Project Area in accord with the General Plan, design guidelines, specific plans, the Plan, the Plan Amendment and local codes and ordinances.
- “(2) The promotion of new and continuing private sector investment within the Project Area to prevent the loss of, and to facilitate the recapture of commercial sales activity.
- “(3) The achievement of an environment reflecting a high level of concern for architectural, landscape, urban design, and land use principles appropriate attainment of the objectives of the Plan and the Plan Amendment.
- “(4) The retention and expansion of as many existing businesses in the Project Area as possible by means of redevelopment and rehabilitation activities and by encouraging and assisting the cooperation and participation of owners, businesses and public agencies in the revitalization of the Project Area.
- “(5) The creations and development of local job opportunities and the preservation of the area’s existing employment base.
- “(6) The replanning, redesign and development of underdeveloped areas which are stagnant or improperly utilized.
- “(7) The elimination or amelioration of certain public improvements, facilities and environmental deficiencies, including substandard vehicular circulation systems; inadequate water, sewer, flood control and storm drainage systems; insufficient off-street parking; and other similar public improvements, facilities, utilities and deficient adversely affecting the Project Area.

33433 Transfer of Property Between Agency and No Curves, L.P.

April 28, 2009

Page 4

“(8) The improvement and expansion of the community’s supply of housing (inside or outside the Project Area), including opportunities for very low, low and moderate-income households.

“(9) The development of commercial and industrial uses which generate increased sales, business license, and other fees, taxes and revenues to the City of Lancaster.

“(10) The reduction of the City’s annual costs of the provision of local services to and within the Project Area resulting from blighting conditions.”

The Report to City Council in connection with the adoption of the Redevelopment Plan sets forth the reasons for selection of the Project Area as follows:

“The boundaries of the area selected by the Lancaster Planning Commission as the proposed Lancaster Central Business District indicated on the Project Area Map (Exhibit “A”).” The Project Area consists of approximately 438 acres divided among (4) non-contiguous areas.

“The basic goals for the Project Area are as follows:

“To control unplanned growth by guiding new development to meet the needs of the community as reflected in this Redevelopment Plan and the annual Work Program.

“To retain by means of rehabilitation as many existing residences and businesses as possible.

“To improve certain environmental deficiencies, including among others, substandard alleys and public recreational facilities.

“To encourage the cooperation and participation of residents, business persons, public agencies and community organizations in the revitalization of the area.

“To eliminate and prevent the spread of blight and deterioration and to conserve, rehabilitate, and redevelop the Project are in accordance with the Redevelopment Plan and the annual Work Programs.

“To achieve an environment reflecting a high level of concern for architectural, landscape, and urban design principles appropriate to the objectives of the Redevelopment Plan.

“To encourage the preservation of historical monuments, landmarks and buildings.

“To encourage the preservation and the enhancement of the varied and distinctive character of the community and to promote the development of the community as a cultural center.

“To make provisions for housing as it is required to satisfy the needs and desires of the various age, income and ethnic groups of the community, maximizing the opportunity for individual choice.

33433 Transfer of Property Between Agency and No Curves, L.P.

April 28, 2009

Page 5

“To alleviate overcrowded, substandard housing conditions and to promote the development of a sufficient number of affordable housing units for low and moderate income households.

“To promote the economic well being of the Redevelopment project by encouraging the diversification of its commercial base and of employment opportunities.

“To encourage the development of an industrial environment which positively relates to adjacent land uses and to upgrade and stabilize existing industrial uses.

“To provide opportunities for industrial firms to locate their operations in an attractive, safe and economically sound environment in accordance with the Redevelopment Plan and Annual Work Programs.

“To provide a basis for the location and programming of public service facilities and utilities, including but not limited to, libraries, senior citizen centers, youth centers, cultural centers, parks and recreation facilities, and to coordinate the phasing of public facilities with private development

“To expand open spaces for recreational uses and to promote the preservation of views, natural character and topography of the community for the enjoyment of both local residents and persons throughout the Los Angeles region.

“To make provision for a pedestrian and vehicular circulation system coordinated with land uses and densities and adequate to accommodate traffic; and to encourage the expansion and improvement of public transportation services.

“To improve the visual environment of the community, and in particular to strengthen and enhance its image and identity.

“To develop safeguards against noise and pollution; to enhance the residential/commercial community.

“To promote the development of local job opportunities.

“To coordinate the revitalization efforts in the Redevelopment Project with other public programs in the city of Lancaster.

“To establish as the first priority for redevelopment, the combination of actions (e.g., renovation, new development, public improvements, parcel aggregation, property acquisition, etc). Which achieve the highest economic, social and environmental benefits and long-term reversal of the Project area’s blighted conditions.

“To improve the visual character of Lancaster Boulevard by the renovation of existing commercial structures in accordance with a consistent architectural character and implementation of streetscape improvements.

33433 Transfer of Property Between Agency and No Curves, L.P.

April 28, 2009

Page 6

“To enhance pedestrian activity among commercial establishments along Lancaster Boulevard.

“To provide opportunities for the development of new parking facilities to serve commercial uses along Lancaster Boulevard.

“To encourage the development of vacant parcels and redevelopment of blighted parcels with the Lancaster Boulevard corridor for office-professional, specialty commercial, restaurant, and entertainment uses.

“To encourage the visual improvement and consolidation of automobile sales and service and related commercial uses along Sierra Highway.

“To provide for the undergrounding of utilities and streetscape improvements along Sierra Highway

“To improve accessibility of commercial uses through traffic control procedures along Sierra Highway.

“To encourage the intensification of residential development in the Project area.

“To provide the opportunity for the development of a civic center, community, and other cultural facilities in the Project area.

“To encourage the aggregation of parcels in the Herald tract into one or more units which are economically viable for light industrial and/or commercial development.

“To provide drainage improvements in the Project area, reducing the periodic threat of flooding.

“To encourage the use of alternate routes for east-west through-traffic whose destination is not the commercial uses of Lancaster Boulevard?

“To promote an urban environment t safe from the perceived and actual threat of crime.

The purposes of the California Community Redevelopment Law would be attained by the proposed Central Business District Redevelopment Project through the removal or rehabilitation of physically obsolete or substandard structures and other blighting influences; the rehabilitation, with owner participation, of existing commercial and industrial buildings; the installation, construction, reconstruction, redesign, or reuse of streets, utilities, curbs, gutters, sidewalks and other associated public improvements as permitted by the Lancaster General Plan and Zoning Ordinance; the construction and/or reconstruction of various flood control and drainage facilities; the replacement, installation and improvement of domestic sewage distribution facilities to reduce public health and safety hazards; the assemblage of land into parcels suitable for modern, integrated development with improved pedestrian and vehicular circulation; the improvement and provision of adequate recreation facilities; the provision of other public facilities including educational facilities; and the development and redevelopment

33433 Transfer of Property Between Agency and No Curves, L.P.

April 28, 2009

Page 7

of the Project Area in a manner consistent with the policies and goals of the Lancaster General Plan. The Redevelopment Plan of the Project would implement the California Redevelopment Law. The basis for implementing the Redevelopment law can be stated as follows:

The transfer of this property will help to eliminate blight as a direct result of promoting development within an underutilized area of the Central Business District Redevelopment Project Area. Without encouraging development, the value attributed to the land as a resource would otherwise continue to experience conditions of physical deterioration and blight due to poor use of the property and illegal dumping. The rejuvenation of this underutilized property is further bolstered with the real potential of providing affordable rental housing near commercial services and the City of Lancaster transportation center.

The LMF will construct an affordable housing development, The Sagebrush of Downtown II. The project will provide 60 units of affordable housing in three buildings. This is the second phase of a two-phase affordable housing complex of approximately 100 overall units. This development will not only help eliminate blight and promote development, it will assist the community by providing much needed affordable rental housing units.

RESOLUTION NO. 03-09

A RESOLUTION OF THE LANCASTER REDEVELOPMENT AGENCY APPROVING THE DISPOSITION AND DEVELOPMENT AGREEMENT BY AND BETWEEN THE LANCASTER REDEVELOPMENT AND NO CURVES, L.P.

WHEREAS, the Redevelopment Plan for Project No. 5 (the "Redevelopment Plan") was approved and adopted by the City Council of the City of Lancaster on November 19, 1984, by Ordinance No. 360, as amended, in compliance with all requirements of the law. This summary is being prepared pursuant to Section 33433 of the California Community Redevelopment Law (Part 1 of Division 24 of the Health and Safety Code, commencing with Section 33000).

WHEREAS, the Redevelopment Plan for Central Business District (the "Redevelopment Plan") was approved and adopted by the City Council of the City of Lancaster on June 1, 1982, by Ordinance No. 226, as amended, in compliance with all requirements of the law. This summary is being prepared pursuant to Section 33433 of the California Community Redevelopment Law (Part 1 of Division 24 of the Health and Safety Code, commencing with Section 33000).

WHEREAS, the Agency is authorized and empowered under the Community Redevelopment law, to enter into agreements for the acquisition, disposition and development of real property and otherwise to assist in the redevelopment of real property within a redevelopment project area in conformity with a redevelopment plan adopted for such area, to acquire real and personal property in redevelopment project areas, to receive consideration for the provision by the Agency of redevelopment assistance, to make and execute contracts and other instruments necessary or convenient to the exercise of its powers, and to incur indebtedness to finance or refinance redevelopment projects; and

WHEREAS, the Lancaster Redevelopment Agency (the "Agency") owns property at 703, 713, 719, and 723 West Milling Street and 44802 Fig Avenue in the City of Lancaster, Los Angeles County, State of California, further described in Exhibit "A" (the "Property") and is engaged in activities necessary to execute and implement the Redevelopment Plan; and

WHEREAS, No Curves, L.P. and Agency desire to enter into a Disposition and Development Agreement in order to implement the provisions of the Redevelopment Plan by providing for the sale of property generally, located at 703, 713, 719, and 723 West Milling Street and 44802 Fig Avenue, further described in Exhibit "A" (the "Property"), and which development of the Property is consistent with previous uses of the Property as well as existing uses of other real property in the surrounding neighborhood; and

WHEREAS, No Curves, L.P. possesses the resources necessary for the purchase of the Property, and is further qualified and capable to maintain and make necessary improvements, as needed, to insure that the Property is continually kept in good condition in accordance with the purposes and objectives of the Redevelopment Plan, and in conformance to the commercial zone of the adopted Lancaster Zoning Ordinance; and

WHEREAS, the Agreement does not create any new or additional environmental impacts than were considered in the Environmental Impact Reports for Central Business District Project Area, or any environmental requirements applicable to the proposed use of the Property pursuant to the City's Zoning Ordinance. The Agreement to dispose of the Property and the intended use of the real property is similar in nature to the previous uses of the Property. The use is permitted and is consistent with the General Plan land use designation and Downtown Specific Plan. The proposed project is not expected to produce any significant impacts to the environment; and

WHEREAS, the disposition of this Property within Central Business District Project Area is being considered pursuant to the terms of the Agreement, is in the vital and best interest of the City, and the health, safety, morals and welfare of its residents. Furthermore, this project is in accordance with the public purposes and provisions of Redevelopment Plan and applicable State and local laws and requirements; and

WHEREAS, pursuant to Section 33433 of the Community Redevelopment Law, California Health and Safety Code Sections 33000, et seq. (the "CRL"), the Agency is authorized, with the approval of the City Council after a duly noticed public hearing, to sell or lease property for development pursuant to the redevelopment plan upon a determination by the City Council that the disposition of the property will assist in the elimination of blight and is consistent with the implementation plan adopted for the Redevelopment Project pursuant to CRL Section 33490 and that the consideration fair such disposition is not less than either the fair market value or fair reuse value of the property in accordance with the covenants and conditions governing the disposition and the development costs required thereof; and

WHEREAS, the proposed Agreement, and a summary report meeting the requirements of CRL Section 33433, were available for public inspection consistent with the requirements of CRL Section 33433; and

WHEREAS, on April 28, 2009, the Agency and City Council held a duly noticed joint public hearing on the proposed agreement in accordance with the requirements of CRL Section 33433, at which time the Agency reviewed and evaluated all of the information, testimony, and evidence presented during the joint public hearing; 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 Agency has reviewed the summary report required pursuant to CRL Section 33433 and evaluated other information provided to it pertaining to the findings required pursuant to CRL Section 33433; and

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

NOW, THEREFORE, THE LANCASTER REDEVELOPMENT AGENCY DOES HEREBY RESOLVE, DETERMINE AND FIND AS FOLLOWS:

Section 1. The Lancaster Redevelopment Agency hereby finds and determines that based upon substantial evidence provided in the record before it, (i) the disposition of the Property to No Curves, L.P. pursuant to the Agreement is in accordance with the covenants and conditions governing the transfer of the Property, and complies with the purposes of the Redevelopment Plan for the use and maintenance of the Property, which is in the best interest of the community, and (ii) the consideration for the 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 Lancaster Redevelopment Agency further finds and determines that the disposition of the Property pursuant to the Agreement (i) will assist in the elimination of blight by requiring redevelopment of the Property in accordance with the Agreement as multifamily senior housing, including affordable housing and (ii) is consistent with the implementation plan for the Redevelopment Project adopted by the Agency pursuant to Health and Safety Code Section 33490.

Section 2. The disposition of the Property by the Agency to No Curves, L.P. pursuant to the Agreement and any changes mutually agreed upon by No Curves, L.P. and the Housing and Neighborhood Revitalization Director as are minor and in substantial conformance with the Agreement submitted herewith, which establishes terms and conditions for the transfer of the property, are hereby approved by the Lancaster Redevelopment Agency.

Section 3. The Lancaster Redevelopment Agency concurs in authorizing the Executive Director of the Agency to execute the Agreement and to take all steps, and to sign all documents (including the Grant Deed) necessary to implement and carry out the Agreement on behalf of the Agency.

Section 4. The Lancaster Redevelopment Agency hereby finds and determines that the environmental status of the project remains consistent with the environmental impact reports (EIR) prepared for the Central Business District Project Area, and the Agreement does not add new environmental impacts and neither a supplemental nor a subsequent EIR is required.

EXHIBIT "A"

THE PROPERTY

THE SOUTHERLY 139.00 FEET OF THE EAST HALF OF LOT 4 IN BLOCK 22 OF THE TOWN OF LANCASTER PER MAP RECORDED IN BOOK 5, PAGES 470 AND 471 OF MISCELLANEOUS RECORDS, IN THE CITY OF LANCASTER, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, PER MAPS FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM THE SOUTHERLY 30.00 FEET.

PASSED, APPROVED and ADOPTED this _____ day of _____, 2009, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

GERI K. BRYAN, CMC
Agency Secretary
Redevelopment Agency

R. REX PARRIS, Chairman
Lancaster Redevelopment Agency

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

CERTIFICATION OF RESOLUTION
LANCASTER REDEVELOPMENT AGENCY

I, _____, _____ Lancaster Redevelopment Agency, California, do hereby certify that this is a true and correct copy of the original Resolution No. 03-09, for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE LANCASTER REDEVELOPMENT AGENCY, on this _____ day of _____, _____.

(seal)

RESOLUTION NO. 09-34

A RESOLUTION OF THE CITY OF LANCASTER
APPROVING THE DISPOSITION AND DEVELOPMENT
AGREEMENT BY AND BETWEEN THE LANCASTER
REDEVELOPMENT AND NO CURVES, L.P.

WHEREAS, the Redevelopment Plan for Project No. 5 (the "Redevelopment Plan") was approved and adopted by the City Council of the City of Lancaster on November 19, 1984, by Ordinance No. 360, as amended, in compliance with all requirements of the law. This summary is being prepared pursuant to Section 33433 of the California Community Redevelopment Law (Part 1 of Division 24 of the Health and Safety Code, commencing with Section 33000).

WHEREAS, the Redevelopment Plan for Central Business District (the "Redevelopment Plan") was approved and adopted by the City Council of the City of Lancaster on June 1, 1982, by Ordinance No. 226, as amended, in compliance with all requirements of the law. This summary is being prepared pursuant to Section 33433 of the California Community Redevelopment Law (Part 1 of Division 24 of the Health and Safety Code, commencing with Section 33000).

WHEREAS, the Agency is authorized and empowered under the Community Redevelopment law, to enter into agreements for the acquisition, disposition and development of real property and otherwise to assist in the redevelopment of real property within a redevelopment project area in conformity with a redevelopment plan adopted for such area, to acquire real and personal property in redevelopment project areas, to receive consideration for the provision by the Agency of redevelopment assistance, to make and execute contracts and other instruments necessary or convenient to the exercise of its powers, and to incur indebtedness to finance or refinance redevelopment projects; and

WHEREAS, the Lancaster Redevelopment Agency (the "Agency") owns property at 703, 713, 719, and 723 West Milling Street and 44802 Fig Avenue in the City of Lancaster, Los Angeles County, State of California, further described shown in Exhibit "A" (the "Property"), and is engaged in activities necessary to execute and implement the Redevelopment Plan; and

WHEREAS, No Curves, L.P. and Agency desire to enter into an Sale of Real Property Agreement in order to implement the provisions of the Redevelopment Plan by providing for the sale of property generally, located at 703, 713, 719, and 723 West Milling Street and 44802 Fig Avenue, further described in Exhibit "A" (the "Property"), and which development of the Property is consistent with previous uses of the Property as well as existing uses of other real property in the surrounding neighborhood; and

WHEREAS, No Curves, L.P. possesses the resources necessary for the purchase of the Property, and is further qualified and capable to develop the project as proposed, and to insure that the Property is continually kept in good condition in accordance with the purposes and objectives of the Redevelopment Plan, and in conformance to the Downtown Specific Plan; and the City's Zoning Ordinance.

WHEREAS, the Agreement does not create any new or additional environmental impacts than were considered in the Central Business District Project Area or any environmental requirements applicable to the proposed use of the Property pursuant to the City's Zoning Ordinance. The Agreement to dispose of the Property and the intended use of the real property is similar in nature to the previous uses of the Property. The use is permitted and is consistent with the General Plan land use designation and Downtown Specific Plan. The proposed project is not expected to produce any significant impacts to the environment; and

WHEREAS, the disposition of this Property within Central Business District Project Area is being considered pursuant to the terms of the Agreement, is in the vital and best interest of the City, and the health, safety, morals and welfare of its residents. Furthermore, this project is in accordance with the public purposes and provisions of Redevelopment Plan and applicable State and local laws and requirements; and

WHEREAS, pursuant to Section 33433 of the Community Redevelopment Law, California Health and Safety Code Sections 33000, et seq. (the "CRL"), the Agency is authorized, with the approval of the City Council after a duly noticed public hearing, to sell or lease property for development pursuant to the redevelopment plan upon a determination by the City Council that the disposition of the property will assist in the elimination of blight and is consistent with the implementation plan adopted for the Redevelopment Project pursuant to CRL Section 33490 and that the consideration fair such disposition is not less than either the fair market value or fair reuse value of the property in accordance with the covenants and conditions governing the disposition and the development costs required thereof; and

WHEREAS, the proposed Agreement, and a summary report meeting the requirements of CRL Section 33433, were available for public inspection consistent with the requirements of CRL Section 33433; and

WHEREAS, on April 28, 2009, the Agency and City Council held a duly noticed joint public hearing on the proposed agreement in accordance with the requirements of CRL Section 33433, at which time the City reviewed and evaluated all of the information, testimony, and evidence presented during the joint public hearing; 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 City has reviewed the summary report required pursuant to CRL Section 33433 and evaluated other information provided to it pertaining to the findings required pursuant to CRL Section 33433; and

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

NOW, THEREFORE, THE CITY OF LANCASTER DOES HEREBY RESOLVE, DETERMINE AND FIND AS FOLLOWS:

Section 1. The City Council hereby finds and determines that based upon substantial evidence provided in the record before it, (i) the disposition of the Property to No Curves, L.P. pursuant to the Agreement is in accordance with the covenants and conditions governing the transfer of the Property, and complies with the purposes of the Redevelopment Plan for the use and maintenance of the Property, which is in the best interest of the community, and (ii) the consideration for the 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 City Council further finds and determines that the disposition of the Property pursuant to the Agreement (i) will assist in the elimination of blight by requiring redevelopment of the Property in accordance with the Agreement as multifamily senior housing, including affordable housing and (ii) is consistent with the implementation plan for the Redevelopment Project adopted by the City pursuant to Health and Safety Code Section 33490.

Section 2. The disposition of the Property by the Agency to No Curves, L.P. pursuant to the Agreement and any changes mutually agreed upon by No Curves, L.P. and the Housing and Neighborhood Revitalization Director as are minor and in substantial conformance with the Agreement submitted herewith, which establishes terms and conditions for the transfer of the property, are hereby approved by the City Council.

Section 3. The City Council concurs in authorizing the Executive Director of the Agency to execute the Agreement and to take all steps, and to sign all documents (including the Grant Deed) necessary to implement and carry out the Agreement on behalf of the Agency.

Section 4. The City Council hereby finds and determines that the environmental status of the project remains consistent with the environmental impact reports (EIR) prepared for the Central Business District Project Area, and the Agreement does not add new environmental impacts and neither a supplemental nor a subsequent EIR is required.

EXHIBIT "A"

THE PROPERTY

THE SOUTHERLY 139.00 FEET OF THE EAST HALF OF LOT 4 IN BLOCK 22 OF THE TOWN OF LANCASTER PER MAP RECORDED IN BOOK 5, PAGES 470 AND 471 OF MISCELLANEOUS RECORDS, IN THE CITY OF LANCASTER, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, PER MAPS FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM THE SOUTHERLY 30.00 FEET.

PASSED, APPROVED, and ADOPTED this _____ day of _____, 2009, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

GERI BRYAN, CMC
City Clerk
City of Lancaster

R. REX PARRIS, Mayor
City of Lancaster

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

CERTIFICATION OF RESOLUTION
CITY OF LANCASTER

I, _____, _____ City of Lancaster, California, do hereby certify that this is a true and correct copy of the original Resolution No. 09-34, for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, on this _____ day of _____, _____.

(seal)
