

**RESOLUTION NO. 2020- \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANAHEIM APPROVING A DISPOSITION AND DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF ANAHEIM AND SLF WEST LINCOLN, LLC, A DELAWARE LIMITED PARTNERSHIP; AUTHORIZING THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT TO EXECUTE SUCH DISPOSITION AND DEVELOPMENT AGREEMENT; AUTHORIZING THE DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT TO IMPLEMENT SUCH DISPOSITION AND DEVELOPMENT AGREEMENT; AND MAKING CERTAIN OTHER FINDINGS IN CONNECTION THEREWITH**

**WHEREAS**, the City of Anaheim (the “City”) is a California municipal corporation and charter city;

**WHEREAS**, the City Council (“City Council”) for the City is authorized and empowered under its Charter to enter into agreements for the acquisition, disposition and development of real property, and to make and execute contracts and other instruments necessary or convenient to exercise its powers;

**WHEREAS**, the City is the owner of certain real property containing approximately 0.7 acres (the “City ROW Parcel”). The Successor Agency to the Anaheim Redevelopment Agency (“Successor Agency”) is the owner of an approximately 0.6 acre parcel (the “Former Agency Parcel”, and, together with the City ROW Parcel, the “City Property”). SLF-West Lincoln, LLC, a Delaware limited partnership (the “Developer”) has indicated to the City that Developer has entered into an agreement to purchase an approximately 5.80 acre parcel known as the “Developer Parcel”;

**WHEREAS**, the Developer has proposed to the City that Developer and City enter into a an agreement entitled “Disposition and Development Agreement” substantially in the form submitted herewith (the “DDA”);

**WHEREAS**, under the DDA, subject to satisfaction of conditions precedent set forth therein, Developer would acquire the City Property and develop on the City Property and the Developer Parcel with a new 115-unit attached single-family development (“Proposed Project”) as set forth in the DDA. The DDA also includes the purchase price, indemnity and insurance provisions, and other provisions customary to comprehensive documents for the disposition and development of property as entered into by the City from time to time;

**WHEREAS**, pursuant to and in accordance with the provisions of the California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*; herein referred to as “CEQA”), the State of California Guidelines for the Implementation of the California Environmental Quality Act (commencing with Section 15000 of Title 14 of the California Code of Regulations; herein referred to as the “CEQA Guidelines”), and the City's Local CEQA

Procedure Manual, the City is the "lead agency" for the preparation and consideration of environmental documents for the Proposed Project;

**WHEREAS**, in conformance with CEQA, the CEQA Guidelines and the City's Local CEQA Procedure Manual, a draft Mitigated Negative Declaration was prepared to evaluate the physical environmental impacts of the Proposed Project. The Mitigated Negative Declaration was circulated for a 30-day public/responsible agency review on February 20, 2020, and was also made available for review on the City's website at [www.anaheim.net](http://www.anaheim.net). A complete copy of the Mitigated Negative Declaration is on file and can be viewed in the Planning and Building Department of the City located on the First Floor of City Hall at 200 South Anaheim Boulevard., Anaheim, California; at the Anaheim Public Library, Central Library at 500 West Broadway, Anaheim, California; and, the Ponderosa Joint Use Library at 240 East Orangewood Avenue, Anaheim, California. Copies of said document were also available for purchase;

**WHEREAS**, in conformance with CEQA and the CEQA Guidelines, a Mitigation Monitoring Plan has been prepared for the Proposed Project and includes mitigation measures that are specific to the Proposed Project (herein referred to as "MMP No. 365");

**WHEREAS**, the City gave notice of its intent to adopt the Mitigated Negative Declaration to (a) the public pursuant to Section 15072(b) of the CEQA Guidelines, (b) those individuals and organizations, if any, that previously submitted written requests for notice pursuant to Section 15072(b) of the CEQA Guidelines, (c) responsible and trustee and other agencies with jurisdiction over resources that will be affected by the Proposed Project pursuant to Section 15073(c) of the CEQA Guidelines, and (d) the Clerk of the County of Orange pursuant to Section 15072(a) of the CEQA Guidelines;

**WHEREAS**, by its motion, but prior in time to, the adoption of this Resolution, and pursuant to the provisions of CEQA, the CEQA Guidelines, the City's Local CEQA Procedure Manual, the required findings, and based upon a thorough review of the Mitigated Negative Declaration and the evidence received to date and as recommended by the Planning Commission, this City Council adopted the Mitigated Negative Declaration and MMP No. 365 for the Proposed Project;

**WHEREAS**, in accordance with California Government Code Section 52201, the City held a noticed public hearing regarding the DDA;

**WHEREAS**, the City prepared a report summarizing the details of the DDA in accordance with Section 52201 of the California Government Code (the "Report") and made such Report available for public inspection prior to the public hearing on the DDA;

**WHEREAS**, the City has duly considered all terms and conditions of the presently drafted DDA and has determined that the DDA is in the vital and best interest of the City and the health, safety, morals and welfare of its residents, and in accord with the goals, objectives and public purposes and provisions of applicable state and local laws.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ANAHEIM AS FOLLOWS:**

**Section 1.** The City Council hereby finds and determines that the foregoing recitals are true and correct and are a substantive part of this Resolution.

**Section 2.** The City Council hereby finds and determines, based on all documentation, testimony and other evidence in the record before it, that (a) the proposed sale and development of the City Property, and the development of the Developer Parcel, will assist in the creation of economic opportunity, as defined in California Government Code Section 52200.2; and (b) the consideration being paid to the City is not less than the fair market value of the Properties at their highest and best use, as determined by an independent appraiser.

**Section 3.** The City Council hereby finds that the Mitigated Negative Declaration prepared for the Proposed Project, serves as the appropriate environmental documentation for the DDA.

**Section 4.** The City Council hereby approves the DDA, with such changes as may be mutually agreed upon by the Developer, the City Attorney and the Director of Community and Economic Development (the "Director") (or his duly authorized representative), respectively, as are minor and in substantial conformance with the form of the DDA submitted herewith. The Director and the City Clerk are hereby authorized to execute and attest the DDA, including any related attachments, on behalf of City. In such regard, the Director (or his duly authorized representative) is authorized to sign the final version of the DDA after completion of any such non-substantive, minor revisions. Copies of the final form of the DDA, when duly executed and attested, shall be placed on file in the office of the City Clerk. Further, the Director (or his duly authorized representative) is authorized to implement the DDA and take all further actions and execute all documents referenced therein and/or necessary and appropriate to carry out the transaction contemplated by the DDA, including all exhibits thereto. The Director (or his duly authorized representative) is hereby authorized to the extent necessary during the implementation of the DDA to make technical or minor changes and interpretations of the DDA after execution, as necessary to properly implement and carry out the DDA, including all exhibits thereto, provided any and all such changes shall not in any manner materially affect the rights and obligations of the City under the DDA.

**Section 5.** In addition to the authorization of Section 4 above, the Director is hereby authorized, on behalf of the City, to sign all other documents necessary or appropriate to carry out and implement the DDA, including all exhibits thereto and including causing the issuance of warrants in implementation thereto, and to administer the City's obligations, responsibilities and duties to be performed under the DDA, including all exhibits thereto.

**Section 6.** The City Clerk shall certify to the adoption of this Resolution.

THE FOREGOING RESOLUTION is approved and adopted by the City Council of the City of Anaheim this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CITY OF ANAHEIM

By: \_\_\_\_\_

MAYOR OF THE CITY OF ANAHEIM

ATTEST:

\_\_\_\_\_

CITY CLERK OF THE CITY OF ANAHEIM

137764/LM

CLERK'S CERTIFICATE

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

I, \_\_\_\_\_, City Clerk of the City of Anaheim, do hereby certify that the foregoing is the original Resolution No. \_\_\_\_\_ adopted at a regular meeting provided by law, of the Anaheim City Council held on the \_\_\_\_\_ day of \_\_\_\_\_, 2020 by the following vote of the members thereof:

AYES:

NOES:

ABSTAIN:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
CITY CLERK OF THE CITY OF ANAHEIM

(SEAL)