

RESOLUTION NO. HA-_____

A RESOLUTION OF THE PALM DESERT HOUSING AUTHORITY APPROVING AN AMENDMENT TO DISPOSITION, DEVELOPMENT AND LOAN AGREEMENT BETWEEN THE AUTHORITY AND CHELSEA INVESTMENT CORPORATION, (OR IT'S DESIGNEE) PURSUANT TO HEALTH AND SAFETY CODE SECTION 33433

RECITALS:

A. Pursuant to Health and Safety Code Section 34175(b) and the California Supreme Court's decision in *California Redevelopment Association, et al. v. Ana Matosantos, et al.* (53 Cal. 4th 231 (2011)), on February 1, 2012, all assets, properties, contracts, leases, books and records, buildings, and equipment of the former Palm Desert Redevelopment Agency (the "Agency") transferred to the control of the Successor Agency to the former Agency (the "Successor Agency"); and

B. By its Resolution No. 2012-07 the City Council of the City of Palm Desert elected that all assets, rights, powers, liabilities, duties, and obligations associated with housing activities of the former Agency be transferred from the Successor Agency to the Palm Desert Housing Authority (the "Authority"); and

C. By its Resolution No. HA-47, the Authority accepted the housing functions and assets of the former Agency.

NOW, THEREFORE, BE IT RESOLVED by the Housing Authority Board of the Palm Desert Housing Authority, as follows:

SECTION 1. The Authority owns an approximately 1.84 acre lot located off Country Club Drive in the City of Palm Desert, California described as APN No. 622-370-014 (the "Property"). The Authority proposes to convey the Property to Chelsea Investment Corporation (or its designee) ("Chelsea") for the purpose of Chelsea constructing forty (40) units of housing, thirty-nine (39) of which will be made available for rental to qualified households of low-income, very-low income and extremely low-income, (10) of which shall be designated for use by individuals with developmental disabilities and one (1) of which shall be used for on-site management pursuant to the Disposition and Development and Loan Agreement (the "Agreement"), dated June 13, 2024, which was approved by the Authority pursuant to its Resolution No HA-122 and entered into by the Authority and Developer.

SECTION 2. The Authority and Chelsea desire to amend the Agreement in accordance with the Amendment to Disposition, Development, and Loan Agreement, attached hereto and incorporated herein and on file in the office of the Agency Secretary and City Clerk (the "Amendment").

SECTION 3. Following notice duly given, the Authority and City Council of the City of Palm Desert have held a full and fair joint public hearing on the conveyance by the Authority of the Property to Chelsea pursuant to Health and Safety Code Section 33433.

The Authority has made available to the public through the offices of the Authority Secretary and City Clerk a copy of the Agreement and the Amendment, and a Summary Report (the "Report") describing, among other matters, the cost of the Agreement, as amended by the Amendment, to the Authority prior to the joint public hearing as required by Health and Safety Code Section 33433.

SECTION 4. Health and Safety Code Section 33433(a) and (b) generally provide that before any property of the former Agency, acquired in whole or in part, directly or indirectly, with tax increment moneys is sold for development pursuant to the redevelopment plan, the sale must first be approved by the legislative body by resolution after a public hearing and the resolution must contain certain findings. Pursuant to its Resolution No. 2013-11, the City Council authorized the Authority, as housing successor to the former redevelopment agency, to convey property for the development of housing projects pursuant to Health and Safety Code Section 33433.

SECTION 5. On the basis of the Report and other information received by the Authority at the hearing, the Authority hereby finds and determines (i) that the consideration received by the Authority pursuant to the Agreement, as amended by the Amendment, for the conveyance of the Property is not less than the fair market value of the Property at its highest and best in accordance with the redevelopment plan as described in the Agreement, as amended by the Amendment, and (ii) that the conveyance of the Property pursuant to the Agreement, as amended by the Amendment, will provide housing for low-income persons consistent with the implementation plan adopted by the former Palm Desert Redevelopment Agency pursuant to California Health and Safety Code Section 33490.

SECTION 6. The Authority hereby approves the Amendment and the Executive Director is hereby authorized and directed, for and in the name and on behalf of the Authority, to execute and deliver any and all necessary documents and instruments and to do all things which he deems necessary or proper in order to effectuate the purposes of this Resolution and the transactions contemplated hereby; including the Agreement and Amendment, and exhibits, on file with the Authority Secretary and the City Clerk, with such additions thereto or changes or insertions therein as may be approved by the Executive Director in consultation with legal counsel (such approval to be conclusively evidenced by such execution and delivery).

SECTION 7. The officers of the Authority are hereby authorized and directed, jointly and severally, to execute and deliver any and all necessary documents and instruments and to do all things which they may deem necessary or proper in order to effectuate the purposes of this Resolution and the transactions contemplated hereby; and any such actions previously taken by such officers are hereby ratified, confirmed and approved.

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ADOPTED ON THIS 27TH DAY OF MARCH 2025.

JAN C. HARNIK, CHAIRPERSON

ATTEST:

ANTHONY J. MEJIA, SECRETARY
PALM DESERT HOUSING AUTHORITY

I, Anthony J. Mejia, Secretary of the Palm Desert Housing Authority, hereby certify that Resolution No. HA-__ is a full, true, and correct copy, and was duly adopted at a regular meeting of the Authority Board of the Palm Desert Housing Authority on _____, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSED:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Palm Desert, California, on _____.

ANTHONY J. MEJIA
SECRETARY

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EXHIBIT A
FORM OF AMENDMENT TO DISPOSITION, DEVELOPMENT, AND LOAN
AGREEMENT

(Attached)