

GARDEN GROVE CITY COUNCIL

RESOLUTION NO. 9151-12

A RESOLUTION OF CITY COUNCIL OF THE CITY OF GARDEN GROVE  
APPROVING THE 2011 UPDATED RELOCATION PLAN FOR 12292 AND 12312  
THACKERY DRIVE AND 12311 HARBOR BOULEVARD AND MAKING CERTAIN OTHER  
FINDINGS IN CONNECTION THEREWITH

WHEREAS, the Garden Grove Agency for Community Development ("Former Agency") was a public body corporate and politic and a community redevelopment agency organized and existing under the California Community Redevelopment Law, Health and Safety Code Sections 33000, *et seq.* ("CRL") and authorized to transact business and exercise the powers of a redevelopment agency pursuant to action of the City Council ("City Council") of the City of Garden Grove, a California municipal corporation ("City"); and

WHEREAS, the City Council originally adopted the Redevelopment Plan for the Garden Grove Community Project by Ordinance No. 1339 on June 26, 1973 and thereafter amended said Redevelopment Plan and Project Area by City Council Ordinance Nos. 1388, 1476, 1548, 1699, 1576, 1642, 1699, 1760, 1971, 2035, 2232, 2304, 2455, 2576, and 2709; and

WHEREAS, the Redevelopment Plan for the Garden Grove Community Project, as amended, and the Garden Grove Community Project Area, as amended, are referred to, respectively, as the "Redevelopment Plan" and "Project Area"; and

WHEREAS, relocation assistance and benefits for eligible persons and businesses in California are governed by and provided for in the California Relocation Assistance Law, Government Code §7260, *et seq.* ("CRAL") and the implementing regulations promulgated by the California Department of Housing & Community Development set forth in California Code of Regulations, Title 25, Housing and Community Development, Division 1, Chapter 6, §6000, *et seq.* ("Guidelines"), together the CRAL and Guidelines are referred to as the "Relocation Law"; and

WHEREAS, the City acquired that certain real property in the Project Area improved with residential property located at 12292 and 12312 Thackery Drive and 12291 and 12311 Harbor Boulevard, Garden Grove ("Project Site") in July 2012 for future redevelopment purposes; and

WHEREAS, the Project Site consisted of three single-family residential homes and two commercial businesses operated by the seller out of the fourth property; and

WHEREAS, the Agency entered into that certain Disposition and Development Agreement ("DDA") with Palm Court Lodging, LLC ("Previous Developer") and subsequently assigned to Kam Sang Company ("Developer") on April 27, 2004,

relating to a proposed redevelopment project in the Project Area on a site that includes the subject properties ("Proposed Project Site"); and

WHEREAS, the project proposed for the Proposed Project Site includes development of an approximately 185-room hotel ("Proposed Project"); and

WHEREAS, the City of Garden Grove as Successor Agency to the Garden Grove Agency for Community Development ("Successor Agency"), is responsible for administering the enforceable obligations of the Former Agency; and

WHEREAS, pursuant to the Relocation Law, specifically Section 6038 of the Guidelines, and in planning for implementation of the Proposed Project and in connection with consideration and action on the DDA, and if such project proceeds, the City and Agency caused to be prepared, made available to the public and by City Council on July 23, 2002, that certain Relocation Plan that presents, among other provisions, the plans for and relating to potential displacement of lawful and eligible occupant households from the Project Site ("2002 Relocation Plan"); and

WHEREAS, significant time has passed since the adoption of the 2002 Relocation Plan and because it is now anticipated that displacement and relocation of approximately eight occupant households from the Project Site will occur in 2013, the staff has caused to be prepared and made available for public comment an updated relocation plan for the residential and commercial relocation ("2012 Relocation Plan"); and

WHEREAS, pursuant to the CRL, the City Council was the legislative body of the Former Agency and therefore serves as the legislative body of the Successor Agency; and

WHEREAS, although Section 6038 of the Guidelines does not expressly require an updated relocation plan, nonetheless the City Council has caused to be made available to the occupants at the Project Site, and to the public generally a copy of the 2012 Relocation Plan and notice of such updated plan has been posted notifying in English and Spanish of the availability of the 2012 Relocation Plan at the City of Garden Grove offices; and

WHEREAS, the 2012 Relocation Plan evaluates and addresses the needs and characteristics of the residential displaces at the Project Site, including available relocation resources and the City's program to provide assistance to each affected residential occupant of the Project Site; and

WHEREAS, the two businesses located at the Project Site were owned and operated by the seller of the Project Site and the purchase price paid to the seller was all-inclusive of a negotiated settlement to compensate the seller for relocation benefits and goodwill for the businesses operated at the property; therefore the relocation of the commercial businesses is not a subject covered by the Plan; and

WHEREAS, the 2012 Relocation Plan has been made available for public review and comment for a period not less than 30 days prior to submittal of the 2012 Relocation Plan to the City Council for consideration, action, and approval; and

WHEREAS, the City Council has reviewed the 2012 Relocation Plan and considered public comment (both oral and written), if any, and the City Council believes the Proposed Project and the implementation of the 2012 Relocation Plan, are in the best interests of the City and the health, safety, and welfare of the community and in accord with the public purposes and provisions of applicable state and local law requirements; and

WHEREAS, by this Resolution, the City Council desires to approve the 2012 Relocation Plan and authorize the City Manager and his designees, to carry out the 2012 Relocation Plan, which authorization includes processing and payment of relocation claims and issuance of warrants necessary thereto.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Garden Grove, as the legislative body of the Successor Agency to the Garden Grove Agency for Community Development, as follows:

Section 1. The foregoing recitals are a substantive part of this Resolution and fully incorporated herein.

Section 2. The City Council approves the 2012 Relocation Plan and authorizes the implementation of such 2012 Relocation Plan.

Section 3. In furtherance of such approval and authorization, the City Manager, in his capacity as director of the Successor Agency is authorized take all necessary actions and execute all documents necessary or appropriate to carry out the 2012 Relocation Plan. The City Manager is further authorized to the extent necessary during the implementation of the 2012 Relocation Plan to accept, process, and approve relocation claims, to provide interpretations and waivers, to cause issuance of warrants for payment of relocation claims, to cause issuance of warrants to pay consulting, legal, and other administrative costs incurred in connection therewith, and to administer obligations, responsibilities and duties to be performed under the 2012 Relocation Plan.

Section 5. A copy of the final, approved 2012 Relocation Plan shall be placed on file in the City Clerk's official records.

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

Adopted this 13<sup>th</sup> day of November 2012.

ATTEST:

/s/ WILLIAM J. DALTON  
MAYOR

/s/ KATHLEEN BAILOR, CMC  
CITY CLERK

STATE OF CALIFORNIA    )  
COUNTY OF ORANGE    ) SS:  
CITY OF GARDEN GROVE )

I, KATHLEEN BAILOR, City Clerk of the City of Garden Grove, do hereby certify that the foregoing Resolution was duly adopted by the City Council of the City of Garden Grove, California, at a meeting held on the 13<sup>th</sup> day of November 2012, by the following vote:

AYES:       COUNCIL MEMBERS:   (5) BEARD, BROADWATER, JONES, NGUYEN, DALTON  
NOES:       COUNCIL MEMBERS:   (0) NONE  
ABSENT:    COUNCIL MEMBERS:   (0) NONE

/s/ KATHLEEN BAILOR, CMC  
CITY CLERK