COUNCIL RESOLUTION NO. ____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES APPROVING AND AUTHORIZING EXECUTION OF AN OWNER PARTICIPATION AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY OF THE CITY OF EL PASO DE ROBLES AND WOODLAND PLAZA II, AND MAKING FINDINGS AND DETERMINATIONS IN CONNECTION THEREWITH AND APPROVING AND AUTHORIZING RELATED ACTIONS

WHEREAS, the Redevelopment Agency of the City of El Paso de Robles (the "Agency") is carrying out the Redevelopment Plan (the "Redevelopment Plan"); for the Paso Robles Redevelopment Project (the "Redevelopment Project"); and

WHEREAS, in 1992, the City of El Paso de Robles (the "City") received an application from Halferty Development Company ("Halferty") for the development in phases of a regional shopping center (the "Retail Center") on certain real property consisting of approximately 39 acres (the "Site") located within the boundaries of the Redevelopment Project (the "Project Area"); and

WHEREAS, on August 8, 1992, the Planning Commission of the City (the "Planning Commission") adopted Resolution PC 92-049, certifying the completion and adequacy of the Final EIR regarding the proposed Regional Center, and on October 6, 1992, the City Council adopted Resolution CC 92-163 upholding the Planning Commission's action; and

WHEREAS, on November 10, 1992, the Planning Commission recommended approval of a proposed rezoning of the Site to accommodate development of the Retail Center project, and on December 1, 1992, the City Council adopted Ordinance 648 N.S. amending the municipal zoning code and approving such rezoning; and

WHEREAS, on December 22, 1993, the Planning Commission adopted Resolutions PC 92-072, PC 92-073, PC 92-074 and PC 92-075, approving the environmental findings, planned development, conditional use permit and parcel map regarding the proposed Retail Center, and on January 19, 1993, the City Council adopted Resolutions CC 93-09, CC 93-10, CC 93-11 and CC 93-12 upholding the Planning Commission's actions; and

WHEREAS, Halferty submitted a request to the Agency for assistance in financing the costs for construction of certain related regional public infrastructure improvements (the "Public Infrastructure Improvements") to be provided as part of the Retail Center project;

WHEREAS, the Agency entered into a Memorandum of Understanding, dated _______, 1993, with Woodland Plaza II, a California general partnership, whose general partners are (i) Halferty, (ii) James L. Halferty, an individual, and (iii) Richard J. Woodland and Patricia D. Woodland, as cotrustees of the Richard J. Woodland and Patricia D. Woodland Trust (collectively, the "Participant"), which set forth the status of negotiations between the Agency and Participant regarding preparation of an owner participation agreement relating to development of the Retail Center project and assistance from the Agency in financing the Public Infrastructure Improvements; and

WHEREAS, in furtherance of the MOU, the Agency and the Participant have prepared a proposed owner participation agreement (the "OPA") to be entered into by the Agency and the Participant providing for the development of the Regional Center and the Public Infrastructure Improvements relating thereto in accordance with the previous approvals of the City Council and Planning Commission relating to development of the Retail Center project; and

WHEREAS, pursuant to Sections 33421 and 33421.1 of the Community Redevelopment Law, the Agency is authorized, with the consent of the City Council, to develop a site for industrial or commercial use so as to provide streets, sidewalks, utilities or other improvements which an owner or operator of the site would otherwise be obliged to provide; and

WHEREAS, pursuant to Section 33445 of the Community Redevelopment Law, the Agency is authorized, with the consent of the City Council, to pay all or any part of the value of and the cost of installation and construction of any building, facility, structure or other improvement which is publicly owned either within or without the Project Area upon a determination by the City Council that such building, facility, structure or other improvement is of benefit to the Project Area or the immediate area in which the Project is located, and that no other reasonable means of financing such building, facility, structure or other improvement is available to the community;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The proposed OPA is hereby approved substantially in the form on file with the Agency Secretary and the Agency is authorized to complete and execute the OPA, subject to such minor, technical and clarifying changes as the Executive Director and Agency Counsel shall determine are necessary or appropriate. The Agency is hereby further authorized to do all other acts and execute all other documents which are necessary or appropriate to carry out the purposes and authority of this Resolution.

Section 2. The OPA provides for Agency financial assistance to the Participant to reimburse the Participant for certain costs, and to assist the Participant in establishing a financing mechanism, through formation of a

Mello-Roos Financing District or other similar financing district, in connection with specified Public Infrastructure Improvements to be provided by the Participant in connection with the development of the Retail Center. The City Council hereby finds and determines:

- (a) That such financial assistance by the Agency is fair and reasonable and that without such financial assistance the Retail Center could not be developed by the Participant on economically feasible terms and, consequently, would not be developed by the Participant;
- (b) That the Public Infrastructure Improvements, including the Mello-Roos Improvements and the Additional Improvements (as defined in the OPA), in which costs the Agency is participating are of benefit to the project area or the immediate neighborhood in which the project is located and that no other reasonable means of financing the costs of the Public Infrastructure Improvements is available to the community; and
- (c) That the provision of streets, sidewalks, utilities or other improvements by the Agency, in whole or in part, for the development of the Retail Center is necessary to effectuate the purpose of the Redevelopment Plan, and the Agency is hereby authorized to provide such improvements.
- Section 3. The City Council has fully considered the Final EIR for the Retail Center project and the findings and determinations and statements of overriding considerations contained in the previous approvals relating to the Retail Center project, identified above in the third, fourth and fifth paragraphs of this Resolution (collectively, the "Previous Approvals"), and has determined that no subsequent changes are proposed in the Retail Center project and no substantial changes have occurred with respect to the circumstances under which the Retail Center project is to be undertaken and no information of substantial importance has become available which will require revisions to the Final EIR due to the involvement of new significant environmental impacts or new information of substantial importance not previously considered in the Final EIR or in the Previous Approvals relating to the Retail Center project, and that no subsequent or supplemental EIR is necessary or required; and that the proposed OPA will have no significant environmental impacts except as identified and considered in the Final EIR and the Previous Approvals relating to the Retail Center project. The City Council hereby readopts and incorporates herein the findings, determinations and conditions of approval and statements of overriding considerations contained in Planning Commission Resolutions PC 92-072, PC 92-073, PC 92-074 and PC 92-075, adopted on December 22, 1993, and City Council Resolutions CC 93-09, CC 93-10, CC 93-11 and CC 93-12, adopted on January 19, 1993, approving the environmental findings, planned development, conditional use permit and parcel map relating to the Retail Center project, and Ordinance 648 N.S., approving the rezoning of the Site. The City Council further

finds that all mitigation measures and conditions of approval included in such Previous Approvals have been incorporated in the project set forth in the OPA.

Section 4. The approvals and findings contained in this Resolution are based on the proposed OPA and documents and testimony submitted in connection therewith, and on all prior actions and approvals of the City of El Paso de Robles with respect to the approval of the Retail Center project, and actions in implementation thereof, all of which are incorporated by reference into the record before the City Council.

PASSED AND A the following roll call			, 1993, by
AYES:			~
NOES:			
ABSENT:			
ABSTAIN:			
		Mayor	
ATTEST:			
City Cler	<u> </u>		



CITY OF EL PASO DE ROBLES

"The Pass of the Oaks"

ADDENDUM

CITY COUNCIL AGENDA JULY 6, 1993; 7:30 PM

PASO ROBLES SCHOOL DISTRICT BOARD ROOM; 800 NIBLICK ROAD

CALL TO OR	<u>eder</u>			
PLEDGE OF ALLEGIANCE all present				
INVOCATION	•			
ROLL CALL Councilmembers Jim Heggarty, Walt Macklin, Steve Martin, Duane Picanco, & Mayor Chris Iversen				
PUBLIC HEARINGS				
5.	Woodland Plaza II Owner Participation Agreement (R. Ramirez, City Manager)			
	Request for Redevelopment Agency participation in the Woodland Plaza II development.			
	At the Conslusion of the Public Hearing, Consider OPTIONS:			
Ali Dbin 7H mm	Adopt Agency Resolution No. RA , Authorizing Chairman & Executive Director to execute an Owner Participation Agreement by & Among the Redevelopment Agency of El Paso de Robles, Woodland Plaza II, & Richard J. Woodland & Patricia D. Woodland, as cotrustees of the Richard J. Woodland & Patricia D. Woodland Trust.			
4/1, 2, 7.4 mw	Adopt Council Resolution No, Authorizing Chairman & Executive Director to execute an Owner Participation Agreement by & Among the Redevelopment Agency of El Paso de Robles, Woodland Plaza II, & Richard J. Woodland & Patricia D. Woodland, as cotrustees of the Richard J. Woodland & Patricia D. Woodland Trust.			
	c) Amend, modify or reject the option above. Seed 3 and line 1938 p. 10.			
	ACTION: MOTION: SECOND: ROLL CALL VOTE			

Council Agenda 07/06/93