

RESOLUTION NO. 95-146

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
EL PASO DE ROBLES APPROVING AN OWNER PARTICIPATION
AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY OF THE
CITY OF EL PASO DE ROBLES AND JOHN ROUSH**

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

WHEREAS, Objective No. 8 of Section 400.10 of the Redevelopment Plan states, in part, that one objective of the Redevelopment Plan is "the encouragement, promotion and assistance in the development and expansion of local commerce and needed commercial and industrial facilities"; and

WHEREAS, the Market Study funded by the Agency and completed in April 1990 recommends that the Agency encourage private investors interested in redeveloping the downtown area of the City; and

WHEREAS, John Roush has proposed to develop a multi-plex movie theater complex within the Redevelopment Project Area; and

WHEREAS, the Agency, on September 19, 1995, entered into an Exclusive Negotiation Agreement with John Roush that extended through September 30, 1995, and on September 19, 1995, approved an extension to the term of such Agreement to December 1, 1995; and

WHEREAS, pursuant to the Exclusive Negotiation Agreement, an Owner Participation Agreement (the "OPA") between the Agency and John Roush (the "Participant") has been negotiated and prepared for consideration by the City and Agency, which OPA provides for the development and construction by the Participant of a theater complex on certain property located within the Redevelopment Project Area to be acquired by the Participant; and

WHEREAS, the OPA further provides for the Agency to construct / fund certain drainage and other public improvements (the "Public Improvements") that will be of benefit to the Project Area in conjunction with the development and construction of the theater project, and to the extent there are cost savings relating to the Public Improvements, to reimburse the Participant for certain development

fees assessed by the City that would facilitate the project's implementation, as more particularly set forth in the OPA; and

WHEREAS, the OPA anticipates that the Participant will seek approval of a lot line adjustment and abandonment by the City of certain rights-of-way, subject to the City making the necessary findings relating to such approvals and actions; 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 uses 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 part of the value of the land for and the cost of the 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 are available to the community; and

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

Section 1. The City Council hereby finds and determines that the construction / funding of the Public Improvements by the Agency for the development of the Site, as provided in the OPA, is necessary to effectuate the purposes of the Redevelopment Plan. The City Council further finds and determines that the Public Improvements are of benefit to the Project Area and the immediate neighborhood in which the theater complex project is located, that no other reasonable means of financing the Public Improvements are available to the community, and that the payment of funds for the acquisition of land or the cost of such Public Improvements will assist in the elimination of one or more blighting conditions inside the Project Area and is consistent with the Redevelopment Implementation Plan for the City of El Paso de Robles adopted by the Agency pursuant to Health and Safety Code Section 33490. The foregoing findings and determinations are based upon the facts and information contained in the Staff Report dated 16 November 1995.

Section 2. The City Council hereby approves the OPA in substantially the form on file with the Secretary of the Agency and further approves and authorizes the

provision of the Public Improvements by the Agency, and to the extent applicable, the reimbursement for development fees as provided for in the OPA; provided, however, that the City Council's approvals hereunder are conditioned upon the Participant acquiring the Site described in the OPA, obtaining all other approvals required for development of the Site, and satisfying all other conditions in accordance with the terms and conditions set forth in the OPA, including without limitation approval of certain lot line adjustments and street abandonments as anticipated in the OPA; and provided, further, that the approvals provided for herein do not constitute approval of the anticipated lot line adjustments or street abandonments and the City reserves the right to approve such actions and make any necessary findings in its sole and absolute discretion.

Section 3. The Agency is hereby authorized to execute the OPA on behalf of the Agency, subject to any minor conforming, technical or clarifying changes approved by the Agency Counsel, and to take such further actions and execute such documents as are necessary to carry out the OPA on behalf of the Agency, including without limitation the Public Improvements and other assistance, as applicable, to be provided by the Agency.

PASSED AND ADOPTED this 21st day of November, 1995, by the following roll call vote:

AYES:	Heggarty, Iversen, Martin, Picanco, and Macklin
NOES:	None
ABSENT:	None
ABSTAIN:	None



Walter Macklin, Mayor



Richard J. Ramirez, City Clerk