

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE, CALIFORNIA, APPROVING A DISPOSITION AND DEVELOPMENT AGREEMENT BY AND BETWEEN THE CITY OF GARDEN GROVE AND NEWAGE GARDEN GROVE II LLC, A CALIFORNIA LIMITED LIABILITY COMPANY; AUTHORIZING THE CITY MANAGER TO EXECUTE SUCH DISPOSITION AND DEVELOPMENT AGREEMENT; AUTHORIZING THE CITY MANAGER TO IMPLEMENT SUCH DISPOSITION AND DEVELOPMENT AGREEMENT; AND MAKING CERTAIN OTHER FINDINGS IN CONNECTION THEREWITH**

**WHEREAS**, the City of Garden Grove (the “City”) is a California municipal corporation;

**WHEREAS**, the City Council (“City Council”) for the City is authorized and empowered pursuant to the laws of the State of California 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 1.5 acres (the “City Property”). The Successor Agency to the Garden Grove Agency for Economic Development (“Successor Agency”) is the owner of an approximately 2.25 acre parcel (the “Agency Property”), which is being acquired by the Developer by separate agreement;

**WHEREAS**, the Developer has proposed to the City that Developer and City enter into a 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 Agency Property a Conforming Hotel, as defined 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”), and 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”), the City is the “lead agency” for the preparation and consideration of environmental documents for the Proposed Project;

**WHEREAS**, in conformance with CEQA and the CEQA Guidelines, on August 23, 2022, the City Council adopted Resolution No. 9768-22 approving a Mitigated Negative Declaration and Mitigation Monitoring Program, which evaluates and analyses the anticipated physical

environmental impacts of the Proposed Project and provides for specified mitigation measures. The Mitigated Negative Declaration and Mitigation Monitoring Program is available for review on the City's website at <https://ggcity.org/planning/environmental-documents>. A complete copy of the Mitigated Negative Declaration and Mitigation Monitoring Program is on file and can be viewed in the Planning and Building Department of the City located at 11222 Acacia Pkwy, Garden Grove, CA 92840;

**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 GARDEN GROVE 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 Agency Project, 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 for the City Project is not less than the fair re-use value of at the use and with the covenants and development costs authorized by the sale pursuant to the DDA.

**Section 3.** The City Council hereby finds that the DDA will result in an increase of at least 15% of total property tax resulting from the Conforming Hotel at full implementation when compared to the year prior to the City Property being acquired by the City.

**Section 4.** The City Council hereby finds that the Mitigated Negative Declaration and Mitigation Monitoring Program prepared for the Proposed Project, serves as the appropriate environmental documentation for the DDA.

**Section 5.** The City Council hereby approves the DDA, with such changes as may be mutually agreed upon by the Developer, the City Attorney and the City Manager (the "City Manager") (or his duly authorized representative), respectively, as are minor and in substantial conformance with the form of the DDA submitted herewith. The City Manager 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 City Manager (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 City Manager (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 City Manager (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 6.** In addition to the authorization of Section 5 above, the City Manager 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 7.** 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 Garden Grove this \_\_\_\_\_ day of \_\_\_\_\_, 2022, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CITY OF GARDEN GROVE

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

MAYOR OF THE CITY OF GARDEN  
GROVE

ATTEST:

\_\_\_\_\_

CITY CLERK OF THE CITY OF GARDEN GROVE

137764/LM

CLERK'S CERTIFICATE

STATE OF CALIFORNIA                    )  
COUNTY OF ORANGE            ) ss  
CITY OF GARDEN GROVE                    )

I, \_\_\_\_\_, City Clerk of the City of Garden Grove, do hereby certify that the foregoing is the original Resolution No. \_\_\_\_\_ adopted at a regular meeting provided by law, of the Garden Grove City Council held on the \_\_\_\_\_ day of \_\_\_\_\_, 2022 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 GARDEN GROVE

(SEAL)