

RESOLUTION NO. _____

A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA AND THE COSTA MESA HOUSING AUTHORITY WITH THE CITY APPROPRIATING MONIES FROM THE GENERAL FUND, RESERVE ACCOUNT, AND THE CITY AND CMHA AUTHORIZING ACTIONS AND ACCEPTANCE OF CONVEYANCE RELATING TO THE 8-UNIT AFFORDABLE HOUSING PROJECT AT 717, 721 JAMES STREET OWNED BY CIVIC CENTER BARRIO HOUSING CORPORATION

THE CITY COUNCIL OF THE CITY OF COSTA MESA AND THE COSTA MESA HOUSING AUTHORITY DO HEREBY RESOLVE AS FOLLOWS:

WHEREAS, the City of Costa Mesa ("City") is a California municipal corporation; and

WHEREAS, the City Council by Resolution adopted on January 17, 2012 declared the need for a housing authority to function in the City of Costa Mesa, established the "Costa Mesa Housing Authority" ("CMHA"), and declared that the members of the City Council are the Commissioners of the Housing Authority so formed all pursuant to the California Housing Authorities Law, commencing with Health & Safety Code Section 34200, *et seq.* ("HAL"); and

WHEREAS, the CMHA is the housing successor under Parts 18. And 1.85, Division 24, of the Health and Safety Code ("Dissolution Laws"); and

WHEREAS, the establishment of a budget for Fiscal Year 2013-2014 has been prepared by the Chief Executive Officer of the City and Executive Director of the CMHA in compliance with Section 2-119 of the Costa Mesa Municipal Code; and

WHEREAS, the City Council previously adopted the Fiscal Year 2013-2014 budget ("13-14 Budget"); and

WHEREAS, the City Council desires to amend the 13-14 Budget to appropriate monies from the General Fund, Reserve Account, in the amount of \$350,000, for expenditure in connection with the payoff of the first mortgage in the pending foreclosure proceeding filed against Civic Center Barrio Housing Corporation (CCBHC) and the properties located at 717, 721 James Street, Costa Mesa; and

WHEREAS, the CMHA desires to authorize the acceptance of the deed(s) of conveyance from CCBHC of the subject properties at 717, 721 James Street, Costa Mesa.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COSTA MESA AND THE COSTA MESA HOUSING AUTHORITY as follows:

SECTION 1: The 13-14 Budget is hereby amended and the City Council appropriates \$350,000 from the General Fund, Reserve Account for expenditure in connection with the payoff of the first mortgage in the pending foreclosure proceeding filed against CCBHC and the properties at 717, 721 James Street, Costa Mesa.

SECTION 2: The City Council and CMHA authorize the Chief Executive Officer/Executive Director and legal counsels (and their designees) to accept the deed(s) conveying the subject properties at 717, 721 James Street, Costa Mesa from CCBHC and to take all necessary actions, including issuance of warrants, in connection with the payoff of first lien mortgage, curing of defaults, and acquisition of the subject properties and to continue to implement the City's rights and remedies under the 717/721 Loan Documents.

SECTION 3: The City Clerk and CMHA Secretary shall certify to the adoption of this Joint Resolution.

PASSED AND ADOPTED this 17th day of September, 2013.

CITY COUNCIL:

James M. Righeimer, Mayor

ATTEST:

APPROVED AS TO FORM:

Brenda Green, City Clerk

Thomas P. Duarte, City Attorney

COSTA MESA HOUSING AUTHORITY:

James M. Righeimer, Chair

ATTEST:

APPROVED AS TO FORM:

Brenda Green, Secretary

Thomas P. Duarte, General Counsel

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF COSTA MESA)

I, BRENDA GREEN, City Clerk of the City of Costa Mesa and Secretary of the Costa Mesa Housing Authority, DO HEREBY CERTIFY that the above and foregoing Resolution No. _____ is the original joint resolution of the City Council and CMHA that was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting and by the Costa Mesa Housing Authority at a special meeting held on the 17th day of September, 2013, by the following roll call vote, to wit:

CITY COUNCIL:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

CMHA:

AYES: BOARD MEMBERS:

NOES: BOARD MEMBERS:

ABSENT: BOARD MEMBERS: