

GARDEN GROVE SUCCESSOR AGENCY

RESOLUTION NO. _____

A RESOLUTION OF THE SUCCESSOR AGENCY TO THE GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT TO AMEND A CONTRACT WITH J&G INDUSTRIES, INC., FOR DEMOLITION AND RELATED SERVICES FOR PROJECT NO. S-1232 - BROOKHURST TRIANGLE DEMOLITION PROJECT – PHASE TWO AND AUTHORIZING CERTAIN ACTIONS IN CONNECTION THEREWITH

WHEREAS, the Garden Grove Agency for Community Development, (“Former Agency”) a redevelopment agency formerly existing under Chapter 2 of the Community Redevelopment Law (California Health and Safety Code Section 33000 *et seq.*), acquired certain real property located at 10071 Garden Grove Boulevard, 10081 Garden Grove Boulevard, 12882 Brookhurst Way and also known by Assessor Parcel Numbers: 089-071-06, 089-071-07, 089-071-13, 089-071-14, 089-071-31 (previously Parcel Number 089-071-24), 089-661-08 (previously Parcel Number 089-661-05 & 089-071-05), 089-071-32 and 089-661-09 (previously Parcel Number 089-661-05), located in the City of Garden Grove, (the “Property”) for redevelopment purposes;

WHEREAS, the Former Agency and New Age Brookhurst, LLC (“Developer”), entered into a Disposition and Development Agreement (“DDA”) on November 23, 2010, establishing the terms and conditions for the disposition of the Property to the Developer and the development of a mixed use retail, commercial, and residential development (“Project”) on the Property;

WHEREAS, pursuant to ABX1-26 and the State of California Supreme Court decision in *California Redevelopment Association vs. Matosantos*, redevelopment agencies in California, including the Former Agency, were dissolved as of February 1, 2012;

WHEREAS, pursuant to the provisions of ABX1-26, including but not limited to Health and Safety Code Section 34173, the City of Garden Grove as Successor Agency to the Garden Grove Agency for Community Development (“Successor Agency”) is the successor entity to the Agency;

WHEREAS, on May 17, 2013, the State of California Department of Finance (“DOF”) provided written confirmation to the Successor Agency that the DDA is an enforceable obligation pursuant to Health and Safety Code Section 34171(d)(1)(E);

WHEREAS, on that written confirmation dated May 17, 2013 provided to the Successor Agency by the DOF approving the DDA as an enforceable obligation, the DOF acknowledged the Successor Agency’s obligation to clear all above ground structures before conveying the Property to the Developer;

WHEREAS, the Successor Agency is required to comply with Federal and State environmental laws and regulations, notwithstanding rules and regulations implemented by the South Coast Air Quality Management District requiring the surveying and eventual abatement of asbestos containing materials prior to demolition activities;

WHEREAS, the Successor Agency has heretofore entered into a contract (the “Contract”) with J&G Industries, Inc., (“Contractor”) to abate asbestos containing material and demolition of structures on the Property pursuant to the Agreement as authorized by Successor Agency Board Resolution

No. 49-18 (CORRECTED), adopted February 27, 2018, for a total Contract amount of Three Hundred Sixty-Three Million One Hundred Ten Thousand Dollars (\$363,110,000) (the “Contract Amount”).

WHEREAS, due to a series of changed conditions discovered during the demolition process, Change Orders were submitted by the Contractor totaling an addition Twenty-Eight Thousand Nine Hundred Sixty-Four Dollars and Twenty-Five Cents (\$28,964.25) (the “Change Order Amount”).

NOW, THEREFORE, BE IT RESOLVED BY SUCCESSOR AGENCY TO THE GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT:

Section 1. The foregoing recitals are true and correct and constitute a substantive part of this Resolution.

Section 2. The Successor Agency Board hereby amends the Contract with J&G Industries, Inc., by approving the Change Order and adding the Change Order Amount to the previously approved Contract Amount.

Section 3. The Director or his authorized designee on behalf of the Successor Agency shall cause this Resolution, together with the contract with J&G Industries, Inc., to be transmitted to the Oversight Board.

Section 4. This Resolution shall be effective immediately upon adoption.

Section 5. The Secretary on behalf of the Successor Agency shall certify to the adoption of this Resolution.