

OVERSIGHT BOARD

RESOLUTION NO. _____

A RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT APPROVING AND RATIFYING THE APPROVAL OF THE SUCCESSOR AGENCY OF THE 1.) AWARDDING OF A CONTRACT WITH J&G INDUSTRIES, INC., FOR ASBESTOS ABATEMENT AND DEMOLITION SERVICES FOR PROJECT NO. 2562 - BROOKHURST TRIANGLE DEMOLITION PROJECT - PHASE ONE AND 2.) APPROVING A PROFESSIONAL SERVICES AGREEMENT WITH OCEAN BLUE ENVIRONMENTAL SERVICES INC., FOR THE EMERGENCY REMEDIATION OF HAZARDOUS MATERIALS AT THE BROOKHURST TRIANGLE PROJECT SITE 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 10151 Garden Grove Boulevard, 10111 Garden Grove Boulevard, 10071 Garden Grove Boulevard, 10081 Garden Grove Boulevard, 12861 Brookhurst Street, and 12791 Brookhurst Street and also known by Assessor Parcel Numbers: 089-071-25, 089-071-11, 089-071-12, 089-071-13, 089-71-14, 089-071-08, 089-071-07, 089-071-06, 089-071-05, 089-071-24, 089-661-02, 089-661-04, and 089-661-03, 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; and

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 desires to utilize the services of J&G Industries, Inc., ("Contractor") to abate asbestos containing material and demolition of structures on the Property pursuant to the DDA;

WHEREAS, in accordance with Federal and State environmental laws and regulations, the Successor Agency is required to undertake emergency remediation of hazardous materials as a result of a two-alarm fire that occurred on the Property;

WHEREAS, the Successor Agency desires to utilize the services of Ocean Blue Environmental Services, Inc., ("Consultant") to undertake the immediate abatement of hazardous materials at the Property as a result of the fire;

WHEREAS, the Successor Agency is authorized to enter into this Agreement pursuant to ABX1-26 and Successor Agency Board Resolution No. 1-12, adopted February 14, 2012.

NOW, THEREFORE, BE IT RESOLVED BY OVERSIGHT BOARD OF THE 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 Oversight Board hereby awards the contract with J&G Industries, Inc., for asbestos abatement and demolition services as part of Project No. 2562 - Brookhurst Triangle Demolition Project - Phase One, in furtherance of Section 205.1(g) of the DDA, together with such augmentation, modification, additions or revisions as the Director and/or the Finance Director or their authorized designees may find necessary to effectuate the services of the Contractor.

Section 3. The Oversight Board hereby approves a professional services agreement with Ocean Blue Environmental Services, Inc., for the removal of hazardous materials from the Property, together with such augmentation, modification, additions, or revisions as the Director and/or Finance Director or their authorized designees may find necessary to effectuate the services of the Consultant.

Section 4. The Chair of the Oversight Board shall sign the passage and adoption of this Resolution and thereupon the same shall take effect and be in force.

Section 5. The Oversight Board Director or his authorized designee on behalf of the Successor Agency shall cause this Resolution, together with the 1.) contract with J&G Industries, Inc., and 2.) professional services agreement with Ocean Blue Environmental Services, Inc., to be transmitted to the Oversight Board.