

The foregoing was passed and adopted by the following vote of the Orange Countywide Oversight Board on THURSDAY, SEPTEMBER 26, 2019

YES: STEVE FRANKS, CHRIS GAARDER, STEVE JONES,  
BRIAN PROBOLSKY, PHILLIP E. YARBROUGH,  
CHARLES BARFIELD

NOES:  
EXCUSED:  
ABSTAINED: DEAN WEST



\_\_\_\_\_  
BRIAN PROBOLSKY  
CHAIRMAN

STATE OF CALIFORNIA     )  
  )  
COUNTY OF ORANGE     )

**I, KATHY TAVOULARIS, Clerk of the Orange Countywide Oversight Board, Orange County, California, hereby certify that a copy of this document has been delivered to the Chairman of the Board and that the above and foregoing Resolution was duly and regularly adopted by the Orange Countywide Oversight Board.**

**IN WITNESS WHEREOF, I have hereto set my hand.**



\_\_\_\_\_  
KATHY TAVOULARIS  
Clerk  
Orange Countywide Oversight Board

Resolution No: 19-030

Agenda Date: Thursday, September 26, 2019

Item No: 8A

Resolution No. 19-030

A RESOLUTION OF THE COUNTYWIDE OVERSIGHT BOARD APPROVING A CONTRACT OF THE SUCCESSOR AGENCY TO THE GARDEN GROVE AGENCY FOR COMMUNITY DEVELOPMENT 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; and

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; and

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; and

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); and

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; and

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; and

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 DDA as authorized by Successor Agency Board Resolution No. 49-18 (CORRECTED), adopted 2018, for a total Contract amount of Three Hundred Sixty-Three Million One Hundred Ten Thousand Dollars (\$363,110,000) (the "Contract Amount"); and

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 THE ORANGE COUNTYWIDE OVERSIGHT BOARD THAT:

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

Section 2. The Oversight Board approves the amendment to 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 Chair of the Oversight Board shall sign the passage and adoption of this Resolution and thereupon the same shall take effect and be enforced.

Section 4. The Director of the Successor Agency or his authorized designee is directed to post this Resolution on the Successor Agency's website and to provide a copy to the California Department of Finance (DOF) by electronic means and in a manner of choosing of the DOF.

Section 5. The Clerk of the Oversight Board shall certify to the adoption of this Resolution.