



**STAFF REPORT**  
**7/22/2020**

**TO:** Honorable Mayor and City Council Members

**FROM:** Best Best and Krieger LLP, Legal Counsel

**SUBJECT:** Consider Approving the Execution by the Successor Agency to the Coachella Redevelopment Agency of the Consent to Transfer Certificate Regarding the Transfer of Real Property from Kirkjan Investment Properties, L.P. to DVD Facility LLC

---

**STAFF RECOMMENDATION:**

Approve the execution by the Successor Agency to the Coachella Redevelopment Agency of the Consent to Transfer Certificate in the form presented.

**BACKGROUND:**

The Coachella Redevelopment Agency (the “RDA”) and George Kirkjan and Tamara Kirkjan (the “Developer”), entered into that certain Disposition and Development Agreement dated as of July 24, 2001 (the “Original Agreement”), as amended (the “DDA”). Among other things, the DDA contemplated the construction by Developer of industrial buildings on the real property described therein (the “Site”). Pursuant to the DDA, the RDA transferred the Site to the Developer via a Grant Deed recorded on January 31, 2002 in the Official Records of Riverside County as Document No. 2002-056045 (the “Grant Deed”). Section 4 of the Grant Deed granted to the RDA a right of first refusal to purchase the Site from the Developer prior to the Developer’s sale of the Site to any third party (the “Right of First Refusal”). The Right of First Refusal is for a term of 75 years from the date of the Grant Deed.

Kirkjan Investment Properties, L.P. (“Seller”), the current owner of the Site, desires to sell the Site (the “Sale Transaction”) to DVD Facility LLC, a California limited liability company that is wholly owned by JOOLIES LLC, a Delaware limited liability company (the “Buyer”). The Seller and the Buyer each desire that the Successor Agency to the Coachella Redevelopment Agency consent to the proposed Sale Transaction, and confirm that it is not exercising the Right of First Refusal.

**DISCUSSION/ANALYSIS:**

Under current law, the Successor Agency to the Coachella Redevelopment Agency has no authority to acquire real property. Accordingly, the Successor Agency to the Coachella Redevelopment Agency currently does not have the authority to exercise the Right of First Refusal.

**ALTERNATIVES:**

1. Modify the form of Consent to Transfer Certificate
2. Do not approve the form of Consent to Transfer Certificate

**FISCAL IMPACT:**

None anticipated.

Attachment: Form of Consent to Transfer Certificate