

RESOLUTION NO. OB 2013-006

A RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE LA MESA COMMUNITY REDEVELOPMENT AGENCY APPROVING AND RATIFYING THE TRANSFER OF OWNERSHIP OF REAL PROPERTY USED FOR GOVERNMENTAL PURPOSES TO THE CITY OF LA MESA IN ACCORDANCE WITH CALIFORNIA HEALTH AND SAFETY CODE SECTION 34181(a)

WHEREAS, the La Mesa Community Redevelopment Agency (“Redevelopment Agency”) was a redevelopment agency in the City of La Mesa (“City”), duly created pursuant to the California Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the California Health and Safety Code) (“Redevelopment Law”); and

WHEREAS, the Redevelopment Agency owned certain real property constituting a small remnant sliver parcel of approximately 2,477 square feet, referenced by Assessor Parcel Number 470-581-09-00, and located along the northern edge of La Mesa Boulevard between Acacia Avenue and University Avenue in the City of La Mesa (the “Property”); and

WHEREAS, Assembly Bill No. X1 26 (2011-2012 1st Ex. Sess.) (“AB 26”) was signed by the Governor of California on June 28, 2011, making certain changes to the Redevelopment Law and the California Health and Safety Code (“Health and Safety Code”), including adding Part 1.8 (commencing with Section 34161) (“Part 1.8”) and Part 1.85 (commencing with Section 34170) (“Part 1.85”) to Division 24 of the Health and Safety Code; and

WHEREAS, pursuant to AB 26, as modified by the California Supreme Court on December 29, 2011 by its decision in *California Redevelopment Association v. Matosantos*, all California redevelopment agencies, including the Redevelopment Agency, were dissolved on February 1, 2012, and successor agencies were designated and vested with the responsibility of paying, performing and enforcing the enforceable obligations of the former redevelopment agencies and expeditiously winding down the business and fiscal affairs of the former redevelopment agencies, including disposing of real property assets; and

WHEREAS, the City Council of the City adopted Resolution No. 2012-005 on January 10, 2012, pursuant to Part 1.85 of AB 26, electing for the City to serve as the successor agency to the Redevelopment Agency upon the dissolution of the Redevelopment Agency under AB 26 (“Successor Agency”), and electing for the City to retain the responsibility for performing housing functions of the Redevelopment Agency upon the dissolution of the Redevelopment Agency under AB 26 (“Successor Housing Entity”); and

WHEREAS, due to the impending dissolution of the Redevelopment Agency and in accordance with AB 26, on January 24, 2012, the Property was transferred from the Redevelopment Agency to the City pursuant to City Council Resolution No. 2012-007 and Redevelopment Agency Resolution No. 370-RA; and

WHEREAS, on February 1, 2012, the Redevelopment Agency was dissolved by operation of law and the Successor Agency and Successor Housing Entity were established pursuant to AB 26; and

WHEREAS, on February 1, 2012, all assets, properties, contracts, leases, books and records, buildings and equipment of the former Redevelopment Agency transferred by operation of law to the control of the Successor Agency for administration pursuant to Part 1.85 of AB 26; and

WHEREAS, Health and Safety Code Section 34179 of AB 26 establishes a seven (7) member local entity with respect to each successor agency with fiduciary responsibilities to holders of enforceable obligations and taxing entities that benefit from distributions of property taxes, and such entity is titled the "oversight board." The oversight board has been established for the Successor Agency (hereinafter referred to as the "Oversight Board") and all seven (7) members have been appointed to the Oversight Board pursuant to Health and Safety Code Section 34179. The duties and responsibilities of the Oversight Board are primarily set forth in Health and Safety Code Sections 34179 through 34181 of AB 26; and

WHEREAS, as part of the FY 2012-2013 State budget package, on June 27, 2012, the Legislature passed and the Governor signed Assembly Bill No. 1484 ("AB 1484", Chapter 26, Statutes 2012). Although the primary purpose of AB 1484 was to make technical and substantive amendments to AB 26 based on issues that have arisen in the implementation of AB 26, AB 1484 imposes additional statutory provisions relating to the activities and obligations of successor agencies and to the wind down process of former redevelopment agencies; and

WHEREAS, on September 29, 2012, the Legislature passed and the Governor signed Assembly Bill No. 1585 ("AB 1585"), which further amended certain provisions of AB 26 as amended by AB 1484 (AB 26, AB 1484, and AB 1585 are collectively referred to herein as the "Dissolution Act"); and

WHEREAS, on July 16, 2013, the California Department of Finance issued a Finding of Completion to the Successor Agency pursuant to Health and Safety Code Section 34179.7 of the Dissolution Act; and

WHEREAS, pursuant to Health and Safety Code Section 34181(a) of the Dissolution Act, the Oversight Board shall direct the Successor Agency to dispose of all assets and properties of the former Redevelopment Agency; provided, however, the Oversight Board may instead direct the Successor Agency to transfer ownership of any former Redevelopment Agency property that was constructed and used for a

governmental purpose to the appropriate public jurisdiction pursuant to any agreement relating to the construction or use of the property; and

WHEREAS, pursuant to Health and Safety Code Section 34177(e) of the Dissolution Act, the Successor Agency is required to dispose of assets and properties of the former Redevelopment Agency; provided, however, that the Oversight Board may instead direct the Successor Agency to transfer ownership of certain assets pursuant to Section 34181(a), including the transfer of any former Redevelopment Agency property that was constructed and used for a governmental purpose to the appropriate public jurisdiction; and

WHEREAS, pursuant to Section 34191.3 of the Dissolution Act, the requirements set forth in Sections 34177(e) and 34181(a) are not stayed in connection with property transferred for governmental purposes; and

WHEREAS, Successor Agency staff has identified the Property as being constructed and used for the governmental purpose of a public road right-of-way; and

WHEREAS, Successor Agency staff has determined that the Property must continue to be used for the governmental purpose as a public road right-of-way due to the nature of the Property and has determined that the Property is currently valued at zero or nominal monetary value due to the small size, configuration and accessibility limitations of the Property which make such Property undevelopable; and

WHEREAS, public notice of the proposed Oversight Board actions pursuant to this Resolution was duly and timely provided as required by Health and Safety Code Section 34181(f) of the Dissolution Act; and

WHEREAS, in accordance with its authority under Health and Safety Code Sections 34177(h), 34181(a), and 34181(e) of the Dissolution Act, the Oversight Board desires to approve and ratify the transfer of ownership of the Property to the City as the appropriate public jurisdiction.

NOW, THEREFORE, the Oversight Board of the Successor Agency to the La Mesa Community Redevelopment Agency does hereby resolve as follows:

Section 1. The Oversight Board hereby determines that the foregoing recitals are true and correct.

Section 2. All legal prerequisites to the adoption of this Resolution have occurred.

Section 3. The Property is used for governmental purposes and the City is the appropriate public jurisdiction to assume ownership of the Property.

Section 4. The Property is of zero or nominal monetary value because it is a public road right-of-way and due to applicable limitations of the Property.

Section 5. The Oversight Board hereby approves and ratifies the transfer of ownership of the Property for no monetary compensation to the City as the appropriate public jurisdiction for governmental purposes.

Section 6. The Oversight Board hereby adopts, approves, ratifies and confirms all actions taken by the former Redevelopment Agency, the Successor Agency and their staff to implement and carry out the transfer to the City of all of the former Redevelopment Agency's and Successor Agency's right, title and interest in the Property.

Section 7. The Successor Agency Executive Director or designee is hereby authorized to take such actions and negotiate and execute such instruments and documents as are necessary and appropriate to confirm, ratify, implement and effectuate the transfer of ownership of the Property to the City and to effectuate the intent of this Resolution.

Section 8. This Resolution shall take effect immediately and is subject to review by the California Department of Finance in accordance with Health and Safety Code Sections 34179(h) and 34181(f) of the Dissolution Act.

PASSED AND ADOPTED at a duly noticed public meeting of the Oversight Board of the Successor Agency to the La Mesa Community Redevelopment Agency held the 5th day of September, 2013, by the following vote, to wit:

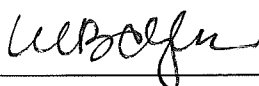
AYES: Adams, Ayres, Fazio, Gonzales, Patterson, Rearic, South

NOES: none

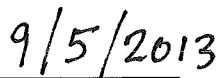
ABSENT: none

CERTIFICATE OF SECRETARY

I, WILLIAM B. CHOPYK, Secretary of the La Mesa Successor Agency Oversight Board of the City of La Mesa, California, do hereby certify the foregoing to be a true and exact copy of Resolution No. OB 2013-006, duly passed and adopted by the La Mesa Successor Agency Oversight Board on the date and by the vote therein recited.



WILLIAM B. CHOPYK
Secretary
La Mesa Successor Agency Oversight Board



Date