

RESOLUTION NO. OB 2015-008

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 THE LA MESA BLVD. MUNICIPAL PARKING LOT AS A GOVERNMENTAL PURPOSE ASSET TO THE CITY OF LA MESA PURSUANT TO THE SUCCESSOR AGENCY'S AMENDED LONG RANGE PROPERTY MANAGEMENT PLAN AND CALIFORNIA HEALTH AND SAFETY CODE SECTION 34181(a)(1) AND APPROVING RELATED ACTIONS (LA MESA BLVD. MUNICIPAL PARKING LOT; APNS: 470-582-13, 470-582-14, AND 470-582-15)

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 fee title to three (3) legal parcels collectively known as the La Mesa Boulevard Municipal Parking Lot, located on La Mesa Boulevard just west of Acacia Avenue in the City and referenced by Assessor Parcel Numbers: 470-582-13, 470-582-14, and 470-582-15 ("La Mesa Blvd. Municipal Parking Lot"); 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 to the California Health and Safety Code ("H&S 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 H&S 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, expeditiously winding down the business and fiscal affairs of the former redevelopment agencies, and disposing of assets of the former redevelopment agencies; 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 on February 1, 2012 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 on February 1, 2012 under AB 26 ("Successor Housing Entity"); and

WHEREAS, on January 27, 2012, the La Mesa Blvd. Municipal Parking Lot 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, AB 26 has since been amended by various assembly and senate bills enacted by the California Legislature and signed by the Governor (AB 26 as amended is hereinafter referred to as the "Dissolution Laws");

WHEREAS, H&S Code Section 34179 of the Dissolution Laws establishes a seven (7) member local entity with respect to each successor agency 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 H&S Code Section 34179 of the Dissolution Laws. The duties and responsibilities of the Oversight Board are primarily set forth in H&S Code Sections 34179 through 34181 of the Dissolution Laws;

WHEREAS, pursuant to H&S Code Section 34191.5(b) of the Dissolution Laws, once the California Department of Finance ("DOF") issues a Finding of Completion to the Successor Agency pursuant to H&S Code Section 34179.7 of the Dissolution Laws, the Successor Agency shall prepare a Long Range Property Management Plan ("Plan") that addresses the disposition and use of certain real properties of the former Redevelopment Agency. The Plan shall be submitted to the Oversight Board and the DOF for approval no later than six (6) months following the issuance of the Finding of Completion to the Successor Agency;

WHEREAS, pursuant to H&S Code Section 34191.4(a) of the Dissolution Laws, upon the approval of the Plan by the DOF, all real property and interests in real property identified in the DDR by H&S Code Section 34179.5(c)(5)(C) of the Dissolution Laws shall be transferred to a Community Redevelopment Property Trust Fund ("Trust"), unless such a property is subject to the requirements of any existing enforceable obligation;

WHEREAS, H&S Code Section 34191.5(c) of the Dissolution Laws requires that the Plan (1) include an inventory of all properties in the Trust, which inventory shall consist of specific information relating to each such property including, without limitation, the date of and purpose for acquisition, value of property, applicable zoning, any property revenues and contractual requirements for disposition of same, history of environmental issues and any related studies and remediation efforts, potential for transit-oriented development and advancement of planning objectives of the Successor Agency, and history of previous development proposals and activity; and (2) address the use or disposition of all properties in the Trust, including (i) the retention of such property for governmental use pursuant to H&S Code Section 34181(a) of the Dissolution Laws, (ii) the retention of such property for future development, (iii) the sale of such property, or (iv) the use of such property to fulfill an enforceable obligation;

WHEREAS, the La Mesa Blvd. Municipal Parking Lot was constructed and is used to serve the public's parking needs with affordable parking and does not generate any revenues in excess of reasonable maintenance, operations, and necessary repair and replacement improvements costs of such facilities. Therefore, the La Mesa Blvd. Municipal Parking Lot qualifies as an asset used for a governmental purpose under H&S Code Sections 34181(a)(1) and (2) of the Dissolution Laws;

WHEREAS, the Successor Agency prepared the amended Plan ("Amended Plan") for consideration by the Successor Agency and then for consideration by the Oversight Board and the DOF. The Amended Plan, under the "Use or Disposition of the Property" section on Page 7, provides for the transfer of the La Mesa Blvd. Municipal Parking Lot to the City as an asset to continue to be used for a governmental purpose as a public parking lot pursuant to H&S Section

34181(a)(1) of the Dissolution Laws, in accordance with H&S Code Section 34191.5(c)(2) of the Dissolution Laws;

WHEREAS, pursuant to H&S Code Section 34191.3 of the Dissolution Laws, once the Amended Plan is approved by the DOF, the Amended Plan shall govern and supersede all other provisions of the Dissolution Laws relating to the disposition and use of the three (3) legal parcels comprising the La Mesa Blvd. Municipal Parking Lot;

WHEREAS, on October 13, 2015, the Successor Agency approved the Amended Plan and the related actions in connection with the use and disposition of the La Mesa Blvd. Municipal Parking Lot to the City as a governmental purpose asset;

WHEREAS, at this same Oversight Board meeting conducted on November 5, 2015, but prior to the Oversight Board's consideration of this Resolution, the Oversight Board will consider the approval of the Successor Agency's Amended Plan and proposed use and disposition of the La Mesa Blvd. Municipal Parking Lot to the City as a governmental purpose asset in accordance with H&S Code Sections 34191.5(c) and 34181(a)(1) of the Dissolution Laws. If approved, both Resolutions will be submitted to the DOF for review concurrently;

WHEREAS, pursuant to H&S Code Section 34180(j) of the Dissolution Laws, the Successor Agency submitted a copy of this Resolution to the San Diego County Administrative Officer, the San Diego County Auditor-Controller, and the DOF at the same time that the Successor Agency submitted it to the Oversight Board for approval;

WHEREAS, pursuant to and in accordance with the terms of the Successor Agency's Amended Plan and the Dissolution Laws, the Oversight Board desires to approve and ratify the transfer to and retention by the City of the La Mesa Blvd. Municipal Parking Lot as a governmental purpose asset, upon the approval of the Amended Plan by the DOF; and

WHEREAS, the activity proposed for approval by this Resolution has been reviewed with respect to applicability of the California Environmental Quality Act ("CEQA"), the State CEQA Guidelines (California Code of Regulations, Title 14, Sections 15000 *et seq.*, hereafter the "Guidelines"), and the City's environmental guidelines; and

WHEREAS, the activity proposed for approval by this Resolution is not a "project" for purposes of CEQA, as that term is defined by Guidelines Section 15378, because the activity proposed by this Resolution is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment, per Section 15378(b)(5) of the Guidelines; and

WHEREAS, public notice of the proposed Oversight Board actions pursuant to this Resolution was duly and timely provided; and

WHEREAS, all of the prerequisites with respect to the approval of this Resolution have been met.

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 determines that the foregoing recitals are true and correct and are a substantive part of this Resolution.

Section 2. The Oversight Board approves and ratifies the transfer of ownership to and retention by the City of La Mesa of the three (3) legal parcels comprising the La Mesa Blvd. Municipal Parking Lot as governmental purpose assets, pursuant to and in accordance with the terms of the Amended Plan, upon the approval of the Amended Plan by the DOF.

Section 3. The Oversight Board 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 and to the La Mesa Blvd. Municipal Parking Lot to the City, upon the approval of the Amended Plan by the DOF.

Section 4. The Successor Agency Executive Director, or designee, is authorized and directed to: (i) submit a copy of this Resolution, as approved by the Oversight Board, to the DOF (electronically in PDF format) and to the San Diego County Auditor-Controller; (ii) post a copy of this Resolution, as approved by the Oversight Board, on the Successor Agency's internet website; (iii) take such other actions and execute any and all documents, instruments, and agreements as are necessary or desirable on behalf of the Successor Agency, as approved by the Successor Agency Executive Director and General Counsel, in order to implement and effectuate the actions approved by this Resolution and the intent of this Resolution on behalf of the Successor Agency and the Oversight Board; and (iv) administer the Successor Agency's obligations, responsibilities, and duties to be performed pursuant to this Resolution and all documents, instruments, and agreements required by and for the transfer of the La Mesa Blvd. Municipal Parking Lot to the City.

Section 5. The Oversight Board determines that the activity approved by this Resolution is not a "project" for purposes of CEQA, as that term is defined by Guidelines Section 15378, because the activity approved by this Resolution is an organizational or administrative activity that will not result in a direct or indirect physical change in the environment, per Section 15378(b)(5) of the Guidelines.

Section 6. If any provision of this Resolution or the application of any such provision to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The Oversight Board declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion of this Resolution.

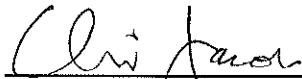
Section 7. This Resolution shall take effect upon the date of its adoption and is subject to review by the DOF in accordance with H&S Code Section 34179(h) of the Dissolution Act.

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 November, 2015, by the following vote, to wit:

AYES:
NOES:
ABSENT:

CERTIFICATE OF SECRETARY

I, CHRIS JACOBS, Secretary of the Oversight Board of the Successor Agency to the La Mesa Community Redevelopment Agency, do hereby certify the foregoing to be a true and exact copy of Resolution No. OB 2015-008, duly passed and adopted by the Oversight Board of the Successor Agency to the La Mesa Community Redevelopment Agency on the date and by the vote therein recited.



CHRIS JACOBS
Secretary
Oversight Board of the Successor Agency to the
La Mesa Community Redevelopment Agency

11-5-15
Date