

**CITY OF MOORPARK
AGENDA REPORT**

To: Honorable City Council

From: David C. Moe II, Redevelopment Manager *DCM*

Date: March 25, 2013 (Meeting of 4/3/13)

Subject: Consider Resolution Conveying Certain Properties to the Successor Agency of the City of Moorpark

BACKGROUND & DISCUSSION

On July 6, 2011, the Redevelopment Agency of the City of Moorpark (“Redevelopment Agency”) transferred certain parcels of real property (collectively, “Properties”) to the City of the Moorpark (“City”) in an effort to preserve the assets of the Redevelopment Agency.

AB X1 26, as upheld and modified by the Supreme Court in *California Redevelopment Association, et al. v. Ana Matosantos, et al.* (53 Cal.4th 231(2011)), thereby, dissolving the Redevelopment Agency as of February 1, 2012 and creating the Successor Agency to the Redevelopment Agency of the City of Moorpark (“Successor Agency”).

AB X1 26, specifically Health and Safety Code Section 34167.5, provides that if the State Controller determines that an asset transfer occurred between the Redevelopment Agency and the City after January 1, 2011, and the City is not contractually committed to a third party for the expenditure or encumbrance of those assets, then the State Controller shall order the available assets to be returned to the Successor Agency. The State Controller is slowing auditing redevelopment agencies, but has not initiated an audit of the Redevelopment Agency or contacted staff.

The Properties of the former Redevelopment Agency are currently held by the City. In order to comply with Health and Safety Code Section 34167.5, the properties need to be transferred to the Successor Agency.

Staff recommends approving the attached resolution conveying Properties to the Successor Agency by a quit claim deed.

FINANCIAL IMPACT

None.

STAFF RECOMMENDATION

1. Adopt Resolution No. 2013- _____ approving the conveyance of Properties to the Successor Agency by a quit claim deed;
2. Authorize the City Manager to execute the quit claim deed and any other necessary documents to effectuate the conveyance of the Properties to the Successor Agency; and
3. Authorize the City Clerk to submit the quit claim deeds for recordation.

Attachment I: Resolution No. 2013- _____

Attachment I

RESOLUTION NO. 2013-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, AUTHORIZING THE CONVEYANCE OF CERTAIN PROPERTIES FROM THE CITY OF MOORPARK TO THE SUCCESSOR AGENCY OF THE REDEVELOPMENT AGENCY OF THE CITY OF MOORPARK

WHEREAS, on July 6, 2011, the Redevelopment Agency of the City of Moorpark ("Redevelopment Agency") transferred certain parcels of real property described in Exhibit A to this Resolution (collectively, "Properties") to the City of the Moorpark ("City"); and

WHEREAS, pursuant to AB X1 26, as upheld and modified by the Supreme Court in *California Redevelopment Association, et al. v. Ana Matosantos, et al.* (53 Cal.4th 231(2011)), the Redevelopment Agency was dissolved as of February 1, 2012, and the Successor Agency to the Redevelopment Agency of the City of Moorpark ("Successor Agency") was constituted; and

WHEREAS, AB X1 26, specifically Health and Safety Code Section 34167.5, provides that if the State Controller determines that an asset transfer occurred between the Redevelopment Agency and the City after January 1, 2011, and the City is not contractually committed to a third party for the expenditure or encumbrance of those assets, then the State Controller shall order the available assets to be returned to the Successor Agency; and

WHEREAS, Health and Safety Code Section 34167.5 further declares: "The Legislature...finds that a transfer of assets by a redevelopment agency during the period covered in this section is deemed not to be in the furtherance of the Community Redevelopment Law and is thereby unauthorized"; and

WHEREAS, without conceding the applicability of Health and Safety Code Section 34167.5 to the transfer of the Properties by the Redevelopment Agency to the City on July 6, 2011, the City desires to return the Properties to the Successor Agency at this time;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The above recitals are true and correct and made a substantive part of this Resolution.

SECTION 2. The City conveys of the Properties to the Successor Agency.

SECTION 3. The City Manager is authorized to execute and the City Clerk is authorized to record one or more quitclaim deeds, substantially in the form attached as Exhibit B, to effectuate the conveyance of the Properties to the Successor Agency.

SECTION 4. The officers and staff of the City are hereby authorized and directed, jointly and severally, to do any and all things which they may deem necessary or advisable to effectuate this Resolution and any such actions previously taken by such officers and staff are hereby ratified and confirmed.

SECTION 5. The adoption of this Resolution is not intended to be and shall not be constitute a waiver by the City of any right it may have to challenge the legality or the enforceability of Health and Safety Code Section 34167.5 (or any order by the State Controller thereto) with respect to the Properties.

SECTION 6. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

APPROVED AND ADOPTED on this 3rd day of April, 2013.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk

Attachments:
Exhibit A – List of Properties
Exhibit B – Form of Quit Claim Deed

Exhibit A

LIST OF PROPERTIES

511-0-050-140	661 Moorpark Avenue
511-0-050-080	47 West High Street
511-0-050-090	West High Street
511-0-050-175	83 West High Street
512-0-062-120	798 Moorpark Avenue
512-0-062-020	782 Moorpark Avenue
512-0-093-080	296 Charles Street
512-0-090-115	High Street Parcel (Aszkenazy)
512-0-081-110	81 Charles Street
511-0-101-350	347 Moorpark Avenue
512-0-081-110	467 High Street
512-0-091-080	45 High Street
512-0-103-040	81 First Street
512-0-090-050	Post Office – Front Parking Lot
511-0-090-420, 430	West of Moorpark – Rear Post Office Pkg. Lot
512-0-150-805	627 Fitch Avenue
512-0-171-225	Police Services Center
506-0-020-130	250 Los Angeles Avenue
512-0-081-080	484 Charles Street
512-0-081-050	450 Charles Street
512-0-081-060	460 Charles Street
511-0-030-300	1063 Walnut Canyon
511-0-030-290	1073 Walnut Canyon
511-0-030-270	1095 Walnut Canyon
511-0-030-260	1113 Walnut Canyon
511-0-030-250	1123 Walnut Canyon
511-0-040-130, 140	1293 Walnut Canyon
512-0-091-090	33 E. High Street
511-0-040-120	1331 Walnut Canyon
512-0-062-110	765 Walnut Street
512-0-063-010	780 Walnut Street
506-0-050-080	Surplus Parcel – 500 Los Angeles Avenue
511-0-030-280	1083 Walnut Canyon
513-0-024-105, 135	Princeton – 2 Parcels
512-0-102-100	112 First Street
512-0-102-110	124 First Street
512-0-082-020, 030	450 High Street
512-0-174-015	Veteran's Memorial

**RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:**

City of Moorpark
799 Moorpark Avenue
Moorpark, CA 93021

Attention: Maureen Benson, City Clerk

[SPACE ABOVE FOR RECORDER'S USE ONLY]

QUITCLAIM DEED

This transfer is exempt from Documentary Transfer Tax pursuant to Revenue & Taxation Code Section 11922, and exempt from Recording Fees pursuant to California Government Code Section 6103.

The CITY OF MOORPARK, a municipal corporation, does hereby REMISE, RELEASE AND FOREVER QUITCLAIM to the SUCCESSOR AGENCY OF THE REDEVELOPMENT AGENCY OF THE CITY OF MOORPARK all of its right, title, obligations and interest in, under and to the real property located in the City of Moorpark, County of Ventura, State of California, more particularly described on Exhibit A attached hereto, and all improvements and fixtures located thereon.

IN WITNESS WHEREOF, the undersigned has executed this Quitclaim Deed as of the date set forth below.

Dated: _____, 2013

CITY OF MOORPARK,
a municipal corporation

By: _____

Name: Steven Kueny

Title: City Manager

ATTEST:

City Clerk