

**SUCCESSOR AGENCY OF THE
REDEVELOPMENT AGENCY OF THE CITY OF MOORPARK
AGENDA REPORT**

To: Honorable Successor Agency Board

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

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

Subject: Consider Resolution Accepting the Conveyance of Certain Properties from 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 slowly 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 accepting the conveyed Properties from the City by a quit claim deed.

FINANCIAL IMPACT

None.

STAFF RECOMMENDATION

1. Adopt Resolution No. SA-2013- _____ approving the acceptance of conveyed Properties from the City by a quit claim deed;
2. Authorize the City Clerk to accept the quit claim deed.

Attachment I: Resolution No. SA-2013- _____

Attachment I

RESOLUTION NO. SA-2013-_____

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SUCCESSOR AGENCY OF THE REDEVELOPMENT AGENCY OF THE CITY OF MOORPARK, CALIFORNIA, APPROVING AND AUTHORIZING THE ACCEPTANCE OF CONVEYANCE OF CERTAIN PROPERTIES FROM 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 (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 of 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, the City has informed the Successor Agency of the City's desire to return the Properties to the Successor Agency at this time, without conceding the applicability of Health and Safety Code Section 34167.5 to the transfer of the Properties;

WHEREAS, the conveyance of the Properties from the City to the Successor Agency will be evidenced by one or more quitclaim deeds ("Quitclaim Deed");

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE SUCCESSOR AGENCY OF THE REDEVELOPMENT AGENCY 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 Successor Agency accepts the conveyance of the Properties from the City.

SECTION 3. The Executive Director of the Successor Agency is hereby authorized and directed to execute an appropriate certificate of acceptance with respect to each Quitclaim Deed for the Properties. The Secretary of the Successor Agency is hereby authorized and directed to cause each Quitclaim Deed, and the accompanying certificate of acceptance to be recorded in the Official Records of the Ventura County Recorder's Office.

SECTION 4. The officers and staff of the Successor Agency 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 Successor Agency 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 Secretary of the Successor Agency 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, Chair

ATTEST:

Maureen Benson, Secretary

Attachment: Exhibit A – List of Properties

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