

**MOORPARK CITY COUNCIL
AGENDA REPORT**

To: Honorable City Council

From: Jessica Sandifer, Program Manager 

Date: June 2, 2016 (City Council Meeting of June 15, 2016)

Subject: Consider Resolution Authorizing Reconveyance of Certain Properties to the Successor Agency to the Redevelopment Agency of the City of Moorpark and Rescinding Resolution 2013-3173

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 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.

The City Council approved a similar action in 2013 with the adoption of Resolution 2013-3173. However, there was some incorrect information included within that resolution. Staff is recommending rescinding Resolution 2013-3173 and approval of the attached resolution conveying the Properties from the City by a quit claim deed to the Successor Agency.

FISCAL IMPACT

None.

STAFF RECOMMENDATION

Adopt Resolution No. 2016- _____ approving the reconveyance of the properties as listed in Attachment 1 of the Resolution to the Successor Agency by quit claim deed, and rescinding Resolution No. 2013-3173.

Attachment: Resolution No. 2016- _____

RESOLUTION NO. 2016- _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, RESCINDING RESOLUTION NO. 2013-3173 AND APPROVING AND AUTHORIZING RECONVEYANCE OF CERTAIN PROPERTIES TO THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF MOORPARK AND AUTHORIZING THE EXECUTION AND DELIVERY OF QUITCLAIM DEEDS WITH RESPECT TO SUCH PROPERTIES

WHEREAS, in July 2011, the former Redevelopment Agency of the City of Moorpark (the "Former Agency") transferred the real properties described in Attachment I attached hereto (the "Properties") to the City of Moorpark (the "City"); and

WHEREAS, pursuant to AB X1 26 (enacted in June 2011), and the California Supreme Court's decision in *California Redevelopment Association, et al. v. Ana Matosantos, et al.*, 53 Cal. 4th 231 (2011), the Former Agency was dissolved as of February 1, 2012, and the Successor Agency was established; and

WHEREAS, AB X1 26 added Part 1.8 (commencing with Section 34161) and Part 1.85 (commencing with Section 34170) to Division 24 of the Health and Safety Code ("HSC"); and such Parts 1.8 and 1.85, together with any amendments and supplements thereto enacted from time to time, are collectively referred to herein as the "Dissolution Act"; and

WHEREAS, HSC Section 34167.5 provides that the transfer of an asset by a redevelopment agency to its city after January 1, 2011, in the absence of a contractual commitment to a third party for the expenditure or encumbrance of such asset, is deemed to be an unauthorized transfer; and

WHEREAS, without conceding the applicability of HSC Section 34167.5 to the transfer of the Properties, the City desires to return the Properties to the Successor Agency at this time, to clear up any potential cloud on title that may have been attached to the Properties;

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 are a substantive part of this Resolution.

SECTION 2. The Mayor (or in the Mayor's absence, the Mayor Pro Tem) is hereby authorized and directed to execute and deliver one or more quitclaim deeds, substantially in the form attached as Attachment II, to effect the re-conveyance of the Properties to the Successor Agency.

SECTION 3. 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 4. This Resolution supersedes Resolution No. 2013-3173 in its entirety. Resolution No. 2013-3173 is hereby rescinded.

SECTION 5. The adoption of this Resolution is not intended to be, and shall not constitute, a waiver by the City of any right it may have to reacquire the Properties or otherwise challenge the legality or the enforceability of HSC Section 34167.5 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.

PASSED AND ADOPTED this 15th day of June, 2016.

Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk

ATTACHMENT 1 – Properties transferred to City in 2011

ATTACHMENT 2 – Form of Quitclaim Deed

ATTACHMENT I

PROPERTIES TRANSFERRED TO THE CITY IN 2011

	Address/description	APN	Ventura County Official Records Doc. # for 2011 Deed executed by Redevelopment Agency in favor of City	Disposition After Reconveyance
1	500 Los Angeles Avenue	506-0-050-080	20110803-00113771-0	Per LRPMP1
2	347 Moorpark Avenue	511-0-101-350	20110803-00113784-0	Per LRPMP
3	467 High Street	512-0-081-110	20110803-00113793-0	Per LRPMP
4	450 High Street	512-0-082-020, 030	20110803-00113794-0	Per LRPMP
5	Various (2.14 acres)	512-0-090-115	20110803-00113795-0	Per LRPMP
6	Various (0.75 acres)	512-0-090-115	20110803-0113795-0	Per LRPMP
7	Princeton Avenue (Lots 69-82)	513-024-105, 135	20110803-00113769-0	
8	33 E. High Street	512-0-091-090	20110803-00113797-0	Per LRPMP
9	47 W. High Street	511-0-050-080	20110803-00113780-0	Per LRPMP
10	West High Street (part of Civic Center)	511-0-050-090	20110803-00113781-0	Per LRPMP
11	161 Second Street	512-0-102-210	20110228- 00034431-0	Per LRPMP
12	83 W. High Street	511-0-050-175	20110803-00113783-0	Per LRPMP
13	45 E. High Street	512-0-091-080	20110803-00113796-0	Per LRPMP
14	610 Spring Road (police services center)	512-0-171-225	20110803-00113767-0	Per LRPMP

1 Long Range Property Management Plan, approved by DOF per DOF's letter dated February 12, 2015

15	Spring Road (Veteran's Memorial)	512-0-174-015	20110803-00113768-0	Per LRPMP
16	100 High Street	511-0-090-430	20110728-00110393-0	Per LRPMP
17	100 ½ High Street (post office front parking lot)	512-0-090-050	20110126-00014554-0	Per LRPMP
18	627 Fitch Avenue	512-0-150-805	20110803-00113766-0	Per LRPMP
20	250 Los Angeles Avenue	506-020-130	20110803-00113770-0	Per Housing Asset List ²
21	782 Moorpark Avenue	512-0-062-020	20110803-00113785-0	Per Housing Asset List
22	798 Moorpark Avenue	512-0-062-120	20110803-00113788-0	Per Housing Asset List
23	81 First Street	512-0-103-040	20110803-00113765-0	Per Housing Asset List
24	1123 Walnut Canyon	511-0-030-250	20110803-00113772-0	Per Housing Asset List
25	1113 Walnut Canyon	511-0-030-260	20110803-00113773-0	Per Housing Asset List
26	1095 Walnut Canyon	511-0-030-270	20110803-00113774-0	Per Housing Asset List
27	1083 Walnut Canyon	511-0-030-280	20110803-00113775-0	Per Housing Asset List
28	1073 Walnut Canyon	511-0-030-290	20110803-0013776-0	Per Housing Asset List
29	1063 Walnut Canyon	511-0-030-300	20110803-0013777-0	Per Housing Asset List
30	1331 Walnut Canyon	511-0-040-120	20110803-0013778-0	Per Housing Asset List
31	1293 Walnut Canyon	511-0-040-130, 140	20110803-0013779-0	Per Housing Asset List
32	81 Charles Street	512-0-081-110	20110803-00113793-0	Per Housing Asset List
33	765 Walnut Street	512-0-062-110	20110803-00113787-0	Per Housing Asset List
34	780 Walnut Street	512-0-063-010	20110803-00113789-0	Per Housing Asset List

² Housing Asset List (regarding listing assets to be transferred to Housing Successor), to which DOF indicated no objection per DOF's letter dated August 27, 2012

35	450 Charles Street	512-0-081-050	20110803-00113790-0	Per Housing Asset List
36	460 Charles Street	512-0-081-060	20110803-00113791-0	Per Housing Asset List
37	484 Charles Street	512-0-081-080	20110803-00113792-0	Per Housing Asset List
38	112 First Street	512-0-102-100	20110803-00113798-0	Per Housing Asset List
39	124 First Street	512-0-102-110	20110803-00113764-0	Per Housing Asset List

ATTACHMENT II

FORM OF QUITCLAIM DEED

RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:

Successor Agency to the
Redevelopment Agency of the City of Moorpark
c/o City of Moorpark
799 Moorpark Avenue
Moorpark, CA 93021
Attention: City Clerk

APN(s): _____ [SPACE ABOVE FOR RECORDER'S USE ONLY]

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.

QUITCLAIM DEED

The CITY OF MOORPARK, a municipal corporation, does hereby REMISE, RELEASE AND FOREVER QUITCLAIM to the SUCCESSOR AGENCY TO 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, Ventura County, 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: _____, 2016

CITY OF MOORPARK,
a municipal corporation

By: _____
Name: _____
Title: Mayor

ATTEST:

City Clerk

EXHIBIT "A"

Legal Description

THE LAND SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF VENTURA
DESCRIBED AS FOLLOWS (AND THE IMPROVEMENTS AND FIXTURES
THEREON):

CERTIFICATE OF ACCEPTANCE
(California Government Code Section 27281)

This is to certify that the interest in real property conveyed to the Successor Agency to the Redevelopment Agency of the City of Moorpark (the "Successor Agency") by that certain Quitclaim Deed, dated _____, 2016, executed by the City of Moorpark is hereby accepted by the undersigned officer on behalf of the Successor Agency pursuant to the authority conferred by Resolution No. _____ of the Board of Directors of the Successor Agency, adopted on _____, 2016, and the Successor Agency consents to recordation thereof by its duly authorized officer.

Dated: _____, 2016

**SUCCESSOR AGENCY TO THE
REDEVELOPMENT AGENCY OF THE CITY
OF MOORPARK**

By: _____

Print Name: _____

Title: _____