

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

To: Honorable Successor Agency Members

From: Jessica Sandifer, Program Manager 

Date: June 2, 2016 (Successor Agency Meeting of June 15, 2016)

Subject: Consider Resolution Authorizing the Conveyance of Governmental Use Properties to the City of Moorpark Pursuant to the Long Range Property Management Plan and Taking Related Actions and Rescinding Resolution No. SA-2015-11

BACKGROUND

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 (the "Dissolution Act"), 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"). All properties transferred to the City of Moorpark after January 1, 2011, were considered illegal property transfers. These transfers create clouds on the titles to the various properties. In order to clean up the title to the properties, it was necessary to transfer the properties back to the Successor Agency.

In a companion action on the June 15, 2016 City Council Agenda, the City transferred the properties back to the Successor Agency, as required under the Dissolution Act.

DISCUSSION

Pursuant to the Dissolution Act, the Successor Agency is tasked with winding down the affairs of the Former Agency and all properties of the former Agency transferred to the Successor Agency by operation of law. On July 15, 2014, the Oversight Board approved a long range property management plan (LRPMP), which addressed the disposition of the real properties owned by the Successor Agency. On February 12, 2015, the State Department of Finance (DOF) approved the LRPMP.

The LRPMP provides for the transfer of thirteen properties, identified in the LRPMP as follows, collectively to be known as "Governmental Use Properties":

Address	APN	Lot Size
450 High Street	512-0-082-020,030	20,000 sq ft
Various	512-0-090-115	.75 acres
33 E. High Street	512-0-091-090	7,500 sq ft
47 W. High Street	511-0-050-080	6,341 sq ft
Part of Civic Center	511-0-050-090	10,500 sq ft
161 Second Street	512-0-102-210	15,000 sq ft
83 W. High St	511-0-050-175	1.04 acres
45 E. High St	512-0-091-080	7500 sq ft
610 Spring Rd	512-0-171-225	3.81 acres
Spring Road	512-0-174-015	.388 acres
100 High St	511-0-090-420,430	66,211 sq ft
100 1/2 High St	512-0-090-050	39,713 sq ft
627 Fitch Ave	512-0-150-805	4.19 acres

At their next meeting, the Oversight Board will consider the adoption of a resolution directing the Successor Agency to complete the transfer of the Governmental Use properties, pursuant to the LRPMP. The resolution adopted by the Oversight Board does not need to be reviewed by the DOF. The property transfers will not occur until after the Oversight Board approves the Successor Agency's action.

The Successor Agency took similar action in July 2015 through adoption of Resolution SA-2015-11, however, the resolution had some incorrect information and the action was never approved by the Oversight Board. Staff is recommending rescinding Resolution SA-2015-11 and re-authorizing the Successor Agency to transfer the Governmental Use properties to the City of Moorpark.

FISCAL IMPACT

There is minimal fiscal impact associated with the transfer of the governmental use properties. Staff did have to hire a surveyor to prepare legal descriptions for the governmental use properties to be retained by the City that are part of the larger parcel located on the south side of High Street. The cost of the work is \$4,000. There were sufficient funds in the FY 2015/16 budget to cover this cost.

STAFF RECOMMENDATION

Adopt Resolution No. SA-2016-_____, approving the conveyance of Government Use properties to the City; and rescind Resolution No. SA-2015-11.

Attachment: Resolution No. SA-2016-_____

RESOLUTION NO. SA-2016-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK ACTING AS THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF MOORPARK, CALIFORNIA, AUTHORIZING THE CONVEYANCE OF GOVERNMENTAL USE PROPERTIES TO THE CITY OF MOORPARK PURSUANT TO THE LONG RANGE PROPERTY MANAGEMENT PLAN AND TAKING RELATED ACTIONS; AND RESCINDING RESOLUTION NO. SA-2015-11

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 Redevelopment Agency of the City of Moorpark (the "Former Agency") was dissolved as of February 1, 2012, and the Successor Agency was established, and the Oversight Board to the Successor Agency (the "Oversight Board") was constituted; 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, pursuant to the Dissolution Act, the Successor Agency is tasked with winding down the affairs of the Former Agency; and

WHEREAS, pursuant to HSC Section 34175(b), all real properties of the Former Agency transferred to the control of the Successor Agency by operation of law; and

WHEREAS, on July 15, 2014, the Oversight Board adopted Resolution No. OB-2014-64, approving a long-range property management plan (the "LRPMP") which addresses the disposition of the real properties owned by the Successor Agency; and

WHEREAS, the State Department of Finance (the "DOF") issued an approval letter on February 12, 2015, indicating the DOF's approval of the LRPMP; and

WHEREAS, pursuant to HSC Section 34191.3, the DOF-approved LRPMP shall govern, and supersede all other provisions of the Dissolution Act relating to, the disposition and use of the real property assets of the Former Agency; and

WHEREAS, the LRPMP provides for the transfer of thirteen properties – identified in the LRPMP as Property Nos. 4, 5(b) and 7 through 17 (collectively, the "Governmental Use Properties") – to the City of Moorpark (the "City"); and

WHEREAS, at an upcoming meeting, the Oversight Board will consider the adoption of a resolution directing the Successor Agency to complete the transfer of the Governmental Use Properties pursuant to the LRPMP (the "Oversight Board Resolution");

WHEREAS, pursuant to HSC Section 34179(h)(1)(D), the Oversight Board Resolution will become effective upon adoption without any requirement for submission to the DOF for additional review; and

WHEREAS, the Successor Agency took a similar action with the adoption of Resolution SA-2015-11 that contained incorrect information, requiring the rescission of said Resolution.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY 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 conveyance of each of the Governmental Use Properties by the Successor Agency to the City is hereby authorized and approved. Each of the Chair (or, in the Chair's absence, the Vice Chair), and the Executive Director, acting individually, is hereby authorized to execute and deliver, for and in the name of the Successor Agency, one or more grant deeds, substantially in the form attached as Attachment I, to effect and evidence such conveyance; provided, that such execution and delivery shall occur after the adoption of the Oversight Board Resolution.

SECTION 3. The officers and staff of the Successor Agency are hereby authorized and directed, jointly and severally, to execute such documents and do any and all things which they may deem necessary or advisable to effectuate the purposes of this Resolution and the Deeds and any such actions previously taken by such officers and staff are hereby ratified and confirmed.

SECTION 4. 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.

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

Janice S. Parvin, Chair

ATTEST:

Maureen Benson, Agency Secretary

Attachment – Form of Grant Deed

ATTACHMENT I
FORM OF GRANT DEED

RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:

City of Moorpark
799 Moorpark Ave
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.

GRANT DEED

THE UNDERSIGNED GRANTOR DECLARES AS FOLLOWS:

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged the SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF MOORPARK ("Grantor") hereby grants to the CITY OF MOORPARK, CALIFORNIA "Grantee", the land and located in the County of Ventura, State of California, more particularly described on Exhibit A attached hereto and incorporated herein by reference and all improvements and fixtures thereon (collectively, the "Property").

SUBJECT TO:

General and special real property taxes and assessments and supplemental assessments for the current fiscal year; and

All liens, encumbrances, easements, rights of way, covenants, conditions, restrictions, reservations and all other matters of record.

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

Dated: _____, 201__

SUCCESSOR AGENCY OF THE
REDEVELOPMENT AGENCY OF THE CITY
OF MOORPARK

By: _____
Print Name: _____
Title: _____

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 City of Moorpark (the "City") by that certain Grant Deed, dated _____, 2016, executed by the Successor Agency of the Redevelopment Agency of the City of Moorpark is hereby accepted by the undersigned officer on behalf of the City pursuant to the authority conferred by Resolution No. _____ of the City Council of the City, adopted on _____, 2016, and the City consents to the recordation thereof by its duly authorized officer.

Dated: _____, 2016

CITY OF MOORPARK

By: _____
Janice S. Parvin
Mayor