



# CITY OF SANTA BARBARA

## JOINT SUCCESSOR AGENCY AND COUNCIL AGENDA REPORT

**AGENDA DATE:** November 20, 2012

**TO:** Chair and Boardmembers and Mayor and Councilmembers

**FROM:** Community Development Department

**SUBJECT:** Resolutions Conveying, Assigning, Accepting And Assuming The Transfer Of Real Property And Housing Assets From The Successor Agency To The Redevelopment Agency Of The City Of Santa Barbara To The City Of Santa Barbara

### RECOMMENDATIONS:

- A. That Successor Agency adopt, by reading of title only, A Resolution of the Successor Agency to the Redevelopment Agency of the City of Santa Barbara Conveying and Assigning All Right, Title and Interest to All "Housing Assets" Owned by the Former Redevelopment Agency of the City of Santa Barbara to the City of Santa Barbara and Authorizing the Executive Director to Execute Such Agreements and Related Documents as Necessary to Effectuate Such Transfer of Housing Assets to the City of Santa Barbara;
- B. That Successor Agency adopt, by reading of title only, A Resolution of the Successor Agency to the Redevelopment Agency of the City of Santa Barbara Conveying and Assigning For Public and All Related Purposes All Right, Title and Interest to All "Governmental Purpose" Real Property Owned by the Former Redevelopment Agency of the City of Santa Barbara to the City of Santa Barbara and Authorizing the Executive Director to Execute Such Agreements and Related Documents as Necessary to Effectuate Such Transfer of Real Property Interests to the City of Santa Barbara;
- C. That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Accepting and Assuming All Right, Title and Interest to All "Housing Assets" Held by the Former Redevelopment Agency of the City of Santa Barbara and Authorizing the City Administrator, Or Designee, to Execute Such Agreements and Related Documents as Necessary to Effectuate Such Transfer of Interests to the City Of Santa Barbara; and,
- D. That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Accepting and Assuming for Public and All Related Purposes All Right, Title and Interest to All "Governmental Purpose" Real Property Owned by the Former Redevelopment Agency of the City of Santa Barbara and Authorizing the City Administrator, Or Designee, to Execute Such Agreements and Related Documents as Necessary to Effectuate Such Transfer of Real Property Interests to the City of Santa Barbara.

## **DISCUSSION:**

### Transfer of Housing Assets:

On February 1, 2012, the Redevelopment Agency of the City of Santa Barbara dissolved. On January 10, 2012, in accordance with California Health & Safety Code section 34176, the City Council adopted Resolution No. 12-003 declaring its election to retain and assume the housing assets and functions performed by the Redevelopment Agency of the City of Santa Barbara prior to its dissolution.

Assembly Bill 1484, adopted by the State Legislature to implement AB 1X 26, defines "Housing Assets" to include real property, restrictions on real property such as restrictive covenants, encumbered low and moderate income housing funds, loans receivable and operating and rental payments. Housing staff was required under AB 1484 to compile a list, called the "Housing Asset Transfer Form", comprised of all of the former RDA's housing assets that met the definition of "Housing Assets". On August 1, 2012, in accordance with Health and Safety Code Section 34176 (a) (2), the City of Santa Barbara submitted the "Housing Asset Transfer Form" to the California Department of Finance for review. On August 29, 2012, the City received notice that the California Department of Finance did not object to any assets listed or to the transfer and assignment of those Housing Assets to the City.

On October 11, 2012, the Oversight Board adopted Resolution No. 007 directing the Successor Agency to transfer and assign to the City of Santa Barbara all of the former RDA's Housing Assets. Oversight Board Resolution No. 007 is attached to this CAR.

### Transfer Of "Governmental Purpose" Properties:

Assembly Bill 1484 provides that an oversight board may, by resolution adopted at a duly noticed public hearing, direct a successor agency to transfer ownership of those assets that it finds were constructed and used for a governmental purpose to the appropriate public agency.

On September 20, 2012, the Oversight Board to the Successor Agency to the Redevelopment Agency of the City of Santa Barbara, at a duly noticed public hearing, adopted Resolution No. 005 directing the Successor Agency to transfer ownership of certain property constructed and used for governmental purposes to the City of Santa Barbara. The property recommended by the Oversight Board for transfer to the City includes the Bath Street properties, Chase Palm Park, Ortega Water Treatment Facility, several public parking lots and structures, and the historic Railroad Depot campus. Oversight Board Resolution No. 005 is attached to this CAR.

The remaining property owned by the former Redevelopment Agency of the City of Santa Barbara, including the property located at 125 Calle Cesar Chavez and the

remainder interest in Paseo Nuevo Retail Center, will be included within the long-range property management plan to be prepared by the Successor Agency in early 2013.

Department of Finance Review:

Resolution No. 007 (Housing Assets) and Resolution No. 005 (Governmental Use) were transmitted to the California Department of Finance on October 12, 2012. According to Health and Safety Code Section 34179, actions taken by the Oversight Board become effective five business days after notice is provided to the Department of Finance unless the Department requests review. The Department of Finance did not request review of either Oversight Board resolution within the five day review period. The actions of the Oversight Board, therefore, became effective on October 19, 2012.

If the Department of Finance does not request a review of an Oversight Board action, and no action challenging the action of the Oversight Board is commenced within 60 days of the date of the Oversight Board action, the action of the Oversight Board becomes final and can be relied upon as conclusive by any person. Resolution No. 005, adopted by the Oversight Board on September 20, 2012, became effective on October 19, 2012 and conclusive on November 19, 2012. Resolution No. 007, adopted by the Oversight Board on October 11, 2012, became effective on October 19, 2012 and will become conclusive on December 10, 2012.

Transfer Process and Recommended Action:

Assembly Bill 1484 provides that the successor agency to the former redevelopment agency is a separate legal entity from the agency that created the redevelopment agency and, in essence, steps into the shoes of the redevelopment agency for all purposes.

The Oversight Board has directed the Successor Agency to the Redevelopment Agency of the City of Santa Barbara to transfer the "Housing Assets" and the "governmental purpose" property that was owned by the former RDA to the City of Santa Barbara. Because the Successor Agency is a separate legal entity from the City, to effectuate that transfer of assets, it is necessary for the Successor Agency to adopt two resolutions to convey and assign those property interests to the City of Santa Barbara. The resolutions also authorize James Armstrong, as the Executive Director of the Successor Agency, to execute any documents as may be necessary to document and record the property transfers.

To assume and accept those property interests, the City must, by resolution in accordance with Government Code Section 27281, consent to the acceptance of the property interests and authorize the recordation of the title documents with the County Recorder. The resolutions recommended for adoption provide the required consent for acceptance of the property interest by the City.

Joint Successor Agency and Council Agenda Report  
Resolutions Conveying, Assigning, Accepting and Assuming the Transfer of Real Property  
and Housing Assets From the Successor Agency to the Redevelopment Agency of the  
City of Santa Barbara to the City Of Santa Barbara  
November 20, 2012  
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**ATTACHMENTS:** 1. Oversight Board Resolution No. 007 (Housing Assets)  
2. Oversight Board Resolution No. 005 (Governmental Use)

**PREPARED BY:** Brian Bosse, Waterfront Business Manager

**SUBMITTED BY:** Paul Casey, Assistant City Administrator

**APPROVED BY:** City Administrator's Office

RESOLUTION NO. 007

A RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SANTA BARBARA DIRECTING THE SUCCESSOR AGENCY TO TRANSFER AND ASSIGN THE HOUSING ASSETS OF THE FORMER REDEVELOPMENT AGENCY OF THE CITY OF SANTA BARBARA TO THE CITY OF SANTA BARBARA

WHEREAS, in accordance with Assembly Bill No. X1 26, as amended by Assembly Bill No. 1484 ("Dissolution Act"), the Redevelopment Agency of the City of Santa Barbara ("RDA") dissolved on February 1, 2012 and the City of Santa Barbara, as the entity that authorized the creation of the RDA, became the Successor Agency to the former RDA and succeeded to all of the authority, rights, powers, duties, and obligations previously vested in the RDA;

WHEREAS, an Oversight Board of the Successor Agency to the former RDA has been duly formed as required by the Dissolution Act;

WHEREAS, pursuant to Health and Safety Code Section 34176 of the Dissolution Act, on January 10, 2012, the City of Santa Barbara adopted Resolution No. 12-003 declaring its election to retain the Housing Assets and functions previously performed by the former RDA;

WHEREAS, in accordance with Health and Safety Code Section 34181(c), the Oversight Board shall direct the Successor Agency to transfer all of the former RDA's Housing Assets, as defined by Health and Safety Code Section 34176 (e), to the City of Santa Barbara;

WHEREAS, pursuant to Health and Safety Code Section 34176 (a) (2), on August 1, 2012, the City of Santa Barbara submitted a Housing Asset Transfer Form to the California Department of Finance for review and on August 29, 2012, the California Department of Finance did not object to any assets or to the transfer of assets identified on the Housing Asset Transfer Form;

WHEREAS, the Housing Asset Transfer Form accepted by the California Department of Finance is attached hereto as Exhibit A, and incorporated herein by this reference;

WHEREAS, as required by Health and Safety Code Section 34181(f) of the Dissolution Act, the proposed action of the Oversight Board to direct the Successor Agency to transfer the Housing Assets of the former RDA to the City of Santa Barbara will, if approved, be taken by resolution of the Oversight Board at a public meeting which is publically noticed 10 days before the date of the Oversight Board meeting; and

WHEREAS, the Oversight Board hereby directs the Successor Agency to the former RDA to transfer and assign to the City of Santa Barbara all Housing Assets listed on Exhibit A.

NOW, THEREFORE, THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SANTA BARBARA DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The above recitations are true and correct.

SECTION 2. In accordance with Health and Safety Code Section 34181(c), the Oversight Board hereby directs the Successor Agency to transfer and assign all of the Housing Assets listed on Exhibit A to the City of Santa Barbara.

SECTION 3. This Resolution is duly adopted by the Oversight Board at a public meeting that was publically noticed through print media publication and posting at least 10 days prior to the meeting.

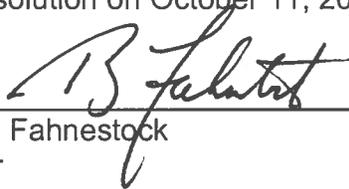
RESOLUTION NO. 007

STATE OF CALIFORNIA            )  
  )  
COUNTY OF SANTA                )  
  )  
OVERSIGHT BOARD OF THE         )  
SUCCESSOR AGENCY TO THE        )  
REDEVELOPMENT AGENCY OF THE  )  
CITY OF SANTA BARBARA         )

I HEREBY CERTIFY that the forgoing resolution was adopted by the Oversight Board of the Successor Agency to the Redevelopment Agency of the City of Santa Barbara at a meeting held on October 11, 2012, by the following roll call vote:

- AYES:                    Oversight Board Members Carolle Van Sande, Chandra Wallar, Jim Armstrong, Renee Bahl, Meg Jetté, Liz Limón, Chair Brian Fahnestock
- NOES:                    None
- ABSENT:                 None
- ABSENTIONS:         None

I HEREBY APPROVE the foregoing resolution on October 11, 2012.

  
\_\_\_\_\_  
Brian Fahnestock  
Chair

RESOLUTION NO. 005

A RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SANTA BARBARA DIRECTING THE SUCCESSOR AGENCY TO TRANSFER OWNERSHIP OF GOVERNMENTAL PURPOSE PROPERTIES FORMERLY OWNED BY THE REDEVELOPMENT AGENCY OF THE CITY OF SANTA BARBARA TO THE CITY OF SANTA BARBARA

**WHEREAS**, in accordance with Assembly Bill No. X1 26, as amended by Assembly Bill No. 1484 (“Dissolution Act”), the Redevelopment Agency of the City of Santa Barbara (“RDA”) dissolved on February 1, 2012 and the City of Santa Barbara, as the entity that authorized the creation of the RDA, became the Successor Agency to the former RDA and succeeded to all of the authority, rights, powers, duties, and obligations previously vested in the RDA;

**WHEREAS**, an Oversight Board of the Successor Agency to the former RDA has been duly formed as required by the Dissolution Act;

**WHEREAS**, in accordance with Health and Safety Code Section 34181(a) of the Dissolution Act, the Oversight Board may direct the Successor Agency to transfer ownership of those assets owned by the former RDA that were constructed and used for a governmental purpose to the City of Santa Barbara;

**WHEREAS**, if so directed by the Oversight Board, the Successor Agency must transfer ownership of the assets of the former RDA that were constructed and used for a governmental purpose to the City of Santa Barbara;

**WHEREAS**, as required by Health and Safety Code Section 34181(f) of the Dissolution Act, the proposed action of the Oversight Board to direct the Successor Agency to transfer certain assets of the former RDA to the City of Santa Barbara will, if approved, be taken by resolution of the Oversight Board at a public meeting which is publically noticed 10 days before the date of the Oversight Board meeting; and

**WHEREAS**, the Oversight Board hereby finds that all of the property described below owned by the former RDA has been constructed and used for a governmental purpose and, therefore, the Successor Agency to the former RDA is directed to transfer all such property to the City of Santa Barbara.

**NOW, THEREFORE, THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SANTA BARBARA DOES HEREBY RESOLVE AS FOLLOWS:**

**SECTION 1.** The above recitations are true and correct.

SECTION 2. In accordance with Health and Safety Code Section 34181(a), the Oversight Board hereby finds that all of the property, described below for reference purposes only, was owned by the former RDA and was constructed and used for a governmental purpose. Such governmental use properties include:

- Bath street properties encompassing .06 acre located at 635 Bath Street (APN 037-113-009) and 633 Bath Street (APN 037-113-010) located southwesterly of Bath Street and southeasterly of Ortega Street.
- Chase Palm Park Expansion encompassing 8.21 acres including Chase Palm Park Access Easement (APN 017-680-004) and Chase Palm Park (APN 017-680-011, 017-680-012) located north of Cabrillo Boulevard and southwesterly of the Union Pacific Railroad Company right of way.
- Ortega Water Treatment Facility encompassing 1 acre (APN 031-152-033) located southeast of Ortega Street and southwest of Garden Street.
- Parking Lots encompassing approximately 12.23 acres and including:
  - Cota Street Commuter Parking Lot (APN 031-151-018) located northwesterly of Cota Street and southwesterly of Santa Barbara Street;
  - 217 Helena Street Parking Lot (APN 033-051-020);
  - Mason Street Public Parking Lot located southeasterly of Mason Street and northerly of the operating right of way owned by the Union Pacific Railroad Company, (APN 033-113-014 and sometimes APN 033-113-022);
  - Garden Street Public Parking Lot located westerly of Garden Street, northwesterly of Cabrillo Boulevard and southerly of the operating right of way owned by the Union Pacific Railroad Company, (APN 033-113-016, 033-113-017, 033-113-018, and sometimes APN 033-113-023);
  - Parking Structure No. 10 located southwesterly of Anacapa Street and southeasterly of Ortega Street (APN 037-132-035, 037-132-036, 037-132-038);
  - Parking Lot No. 11 located northeasterly of State Street (APN 037-173-047);
  - Parking Lot No. 11 located southeasterly of Cota Street (APN 037-173-049);
  - Parking Lot No. 11 located southwesterly of Anacapa Street and northwesterly of Haley Street (APN 037-173-050);
  - Parking Lot No. 12 located southwesterly of State Street, northwesterly of U.S. Highway 101, northeasterly of Motor Way, and southeasterly of Gutierrez Street (APN 037-252-011);
  - Granada Garage (Parking Lot No. 6) located southwesterly of Anacapa Street and northwesterly of Anapamu Street (APNs 039-183-046, 039-183-053, 039-183-054);
  - Carrillo Street Commuter Parking Lot located northwesterly of Carrillo Street and southwesterly of Castillo Street (APN 039-261-009); and
  - Parking Lot No. 2 located northeasterly of Chapala Street and northwesterly of Canon Perdido Street (APNs 039-321-045, 039-321-047, 039-321-048, 039-321-051, 039-321-054, 039-321-055, 039-321-056).

- Railroad Depot encompassing 5.39 acres and including:
  - Railroad Depot, Vacated Streets encompassing those certain parcels of real property underlying those vacated portions of Chapala Street and Yanonali Street, and being adjacent to the operating rights of way of Union Pacific Railroad Company, located southeasterly of Montecito Street and southwesterly of State Street, (APNs 033-010-014, 033-010-015, 033-041-012, 033-042-014, 033-042-015);
  - Railroad Depot, Montecito Street, Area 1: former 35 W. Montecito Street (APN 033-042-001) and former 29 W. Montecito Street (APN 033-042-002);
  - Railroad Depot, Montecito Street, Area 2: former 25 W. Montecito Street (APN 033-042-003) and former 23 W. Montecito Street (APN 033-042-004);
  - Railroad Depot Parking Lot (235 State Street Public Parking Lot) located southwesterly of State Street and southeasterly of Montecito Street (APN 033-042-019);
  - 220 Chapala Street (APNs 033-010-011, 033-041-013, 033-042-012);
  - 125 State Street (APNs 033-010-012, 033-042-016, 033-075-012, 033-075-014); and
  - 225 Chapala Street (APNs 033-010-013, 033-042-017).

**SECTION 3.** In accordance with Health and Safety Code section 34181(a), the Oversight Board does hereby direct the Successor Agency to transfer to the City of Santa Barbara all of the governmental purpose properties described above.

**SECTION 4.** This Resolution is duly adopted by the Oversight Board at a public meeting that was publically noticed through print media publication and posting at least 10 days prior to the meeting.

