

RESOLUTION NO. 5165

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLEDAD APPROVING THE FOLLOWING ACTIONS AND MAKING RELATED FINDINGS TO IMPLEMENT THE SUCCESSOR AGENCY TO THE FORMER SOLEDAD REDEVELOPMENT AGENCY'S APPROVED LONG RANGE PROPERTY MANAGEMENT PLAN: (1) EXECUTION OF A COMPENSATION AGREEMENT WITH AFFECTED TAXING ENTITIES PURSUANT TO HEALTH AND SAFETY CODE SECTION 34180(f); (2) CONVEYANCE OF REAL PROPERTY IN THE FORMER REDEVELOPMENT PLAN AREA TO THE CITY OF SOLEDAD FROM THE SUCCESSOR AGENCY TO THE FORMER SOLEDAD REDEVELOPMENT AGENCY

WHEREAS, pursuant to ABx1 26 enacted in June 2011 (as amended by AB 1484 enacted in June 2012, the "Dissolution Act"), the Redevelopment Agency of the City of Soledad (the "Dissolved RDA") was dissolved as of February 1, 2012, and the City of Soledad, acting in a separate limited capacity and known as the Successor Agency of the Redevelopment Agency of the City of Soledad, has elected to serve as the successor agency (the "Successor Agency") of the Dissolved RDA; and

WHEREAS, pursuant to Health and Safety Code Section 34173(g), as added by the Dissolution Act, the Successor Agency is a separate legal entity from the City of Soledad (the "City"); and

WHEREAS, the City Council (the "City Council") of the City serves in a separate capacity as the governing board of the Successor Agency; and

WHEREAS, the Successor Agency is charged with paying the enforceable obligations, disposing of the properties and other assets, and unwinding the affairs of the Dissolved RDA; and

WHEREAS, an oversight board for the Successor Agency (the "Oversight Board") has been formed and is functioning in accordance with Health and Safety Code Section 34179; and

WHEREAS, by Resolution No. SA-2013-07, dated November 6, 2013, the City Council adopted the Amended 2013 Long-Range Property Management Plan (Including Nestles/Los Coches Area (022-292-023 to 026; 022-292-029 to 032) for Future Development (Retail Property), which Redevelopment Plan was being implemented by the Dissolved RDA up until its dissolution; and

WHEREAS, the real property and specified other assets of the Dissolved RDA were transferred to the ownership and control of the Successor Agency as of February 1, 2012 pursuant to Health and Safety Code Section 34175(b), including the following four parcels of real property (collectively, the "Properties") within the Project Area and subject to the Redevelopment Plan:

1. An approximately 0.16-acre property generally located at Soledad Street; Assessor Parcel No. 022-026-017; and

2. An approximately 6.88-acre property generally located at Los Coches cul-de-sac; Assessor Parcel No. 022-291-010; and

3. An approximately 0.693-acre property generally located at Front Street; Assessor Parcel No. 022-211-017; and

4. An approximately 13.63-acre property generally located at Nestles/Los Coches; Assessor Parcel Nos. 022-292-023 to 026; 022-292-029 to 032; and

WHEREAS, the Properties were acquired by the Dissolved RDA for redevelopment with uses consistent with, and for projects identified in, the Redevelopment Plan; and

WHEREAS, on April 18, 2013, the Successor Agency received a "Finding of Completion" from the California Department of Finance (the "DOF") pursuant to Health and Safety Code Section 34179.7, confirming that the Successor Agency had made specified required payments under the Dissolution Act; and

WHEREAS, pursuant to Health and Safety Code Section 34191.5(b), the Successor Agency then prepared a Long-Range Property Management Plan dated July 03, 2013, as amended by an amendment dated November 06, 2013 (as so amended, the "LRPMP"), and the Successor Agency governing board approved the LRPMP by resolutions of July 09, 2013 (SA-OB-13-14) and November 20, 2013 (SA-OB-13-07); and

WHEREAS, the LRPMP was submitted by the Successor Agency to the Oversight Board and was approved by the Oversight Board by resolution of November 20, 2013; and

WHEREAS, the LRPMP was then submitted, as amended on November 20, 2013, to the DOF on March 13, 2014 and was approved by the DOF by letter of March 14, 2014; and

WHEREAS, the LRPMP provided for the Properties to be conveyed by the Successor Agency to the City for further redevelopment activities by the City consistent with the Redevelopment Plan and the LRPMP, such conveyance to the City shall occur upon satisfaction of the following condition (the "Conveyance Condition"):

1. The full execution of a compensation agreement (the "Compensation Agreement") between the City, and the affected taxing entities (as listed in the Compensation Agreement, the "Affected Taxing Entities") shall be required pursuant to Health and Safety Code Section 34180(f);

WHEREAS, pursuant to the foregoing condition, the City is charged with the duty to prepare the Compensation Agreement and present the Compensation Agreement to the City Council for approval in accordance with the LRPMP; and

WHEREAS, the proposed Oversight Board Actions were presented by the Successor Agency to the Oversight Board and were approved by the Oversight Board on April 06, 2014; and

WHEREAS, the City shall proceed to obtain execution of the Compensation Agreement by the Taxing Entities; and

WHEREAS, by its terms, the Redevelopment Plan has been automatically modified to retain its consistency with the City's General Plan as subsequently amended; and

WHEREAS, because the proposed disposition and use of the Properties called for in the LRPMP and this Resolution is consistent with the projects and programs under the Redevelopment Plan, which continues to conform with the City's General Plan as amended, the General Plan Conformance Finding may serve and has served as the finding required by Government Code Section 65402 in connection with this Resolution and the actions set forth in this Resolution.

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the City Council hereby finds that the above Recitals are true and correct, and together with the Staff Report and other information provided by the City staff and the public, form the basis for the findings and actions set forth in this Resolution.

BE IT FURTHER RESOLVED, that the City Manager, or the City Manager's designee, is hereby authorized to file appropriate notice with respect to this Resolution and the actions set forth in this Resolution in accordance with the applicable provisions.

BE IT FURTHER RESOLVED, that the City Council hereby approves the Compensation Agreement a copy of which is attached hereto as Exhibit A and by this reference incorporated herein, and authorizes the Mayor to execute the Compensation Agreement on behalf of the City, substantially in the form on file with the City Clerk and the Successor Agency Clerk.

BE IT FURTHER RESOLVED, that the City Manager or Mayor, or the City Manager's designee, is authorized to implement the Compensation Agreement on behalf of the City, including taking any actions and executing any documents reasonably required to effectuate the purpose and intent of this Resolution and the Compensation Agreement.

BE IT FURTHER RESOLVED, that upon satisfaction of the Conveyance Condition, the City Manager or Mayor, or the City Manager's designee, acting on behalf of the City, is authorized to accept conveyance of the Properties from the Successor Agency by grant deeds and to take any action and execute any documents as may be necessary to implement the conveyance of the Properties from the Successor Agency to the City in accordance with the LRPMP, the Compensation Agreement and this Resolution.

BE IT FURTHER RESOLVED, that this Resolution constitutes the City Council's resolution of acceptance of the conveyance of the Properties to the City pursuant to Government Code Section 27281.

BE IT FURTHER RESOLVED, that this Resolution shall take immediate effect upon adoption.

ADOPTED April 6, 2016 by the City Council of the City of Soledad by the following vote:

AYES, and in favor thereof, Councilmembers: Christopher K. Bourke, Mayor Pro Tem Alejandro Chavez, Richard J. Perez, Patricia D. Stephens, and Mayor Fred J. Ledesma

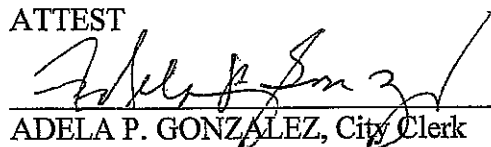
NOES, Councilmembers: None

ABSTAIN, Councilmembers: None

ABSENT, Councilmembers: None


FRED J. LEDESMA, Mayor

ATTEST


ADELA P. GONZALEZ, City Clerk