

OVERSIGHT BOARD OF THE
SUCCESSOR AGENCY TO THE
COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PALMDALE

COUNTY OF LOS ANGELES, CALIFORNIA

RESOLUTION NO. OB 2016-004

A RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF PALMDALE AUTHORIZING THE EXECUTIVE DIRECTOR OF THE SUCCESSOR AGENCY TO NEGOTIATE AND ENTER INTO AGREEMENTS FOR THE SALE OF REAL PROPERTY PURSUANT TO THE LONG RANGE PROPERTY MANAGEMENT PLAN AND RELATED ACTIONS.

WHEREAS, Assembly Bill 26X, as amended by AB 1486, SB 107, and other statutes, together, being referenced below as the “Dissolution Act” dissolved redevelopment agencies and required successor agencies to wind down redevelopment agencies’ affairs; and

WHEREAS, pursuant to the Dissolution Act, all real property owned by the dissolved Community Redevelopment Agency of the City of Palmdale (“Redevelopment Agency”) has been transferred to the control of the Successor Agency to the Community Redevelopment Agency of the City of Palmdale (“Successor Agency”); and

WHEREAS, Health and Safety Code Section 34191.5(b) requires the Successor Agency to prepare a long-range property management plan (“LRPMP”) that addresses the disposition and use of the real properties of the former Redevelopment Agency within six months of receiving a “finding of completion”; and

WHEREAS, Health and Safety Code Section 34191.5(b) also requires the Successor Agency to submit the LRPMP to the Oversight Board of the Successor Agency to the Community Redevelopment Agency of the City of Palmdale (“Oversight Board”) and the California Department of Finance (“DOF”) for approval; and

WHEREAS, on December 16, 2015, DOF approved the LRPMP prepared by the Successor Agency and approved by its Oversight Board; and

WHEREAS, DOF’s letter approving the LRPMP provides that “pursuant to HSC section 34191.3(a) the approved LRPMP shall govern, and supersede all other provisions relating to, the disposition and use of all the real property assets of the former redevelopment agency”; and

WHEREAS, the LRPMP provides for the sale of certain real property located in the City of Palmdale (the “Real Property”) and provides for distribution of the proceeds to affected taxing agencies; and

WHEREAS, it is in the best interest of the Successor Agency, the City of Palmdale, and the affected taxing agencies to facilitate the Successor Agency's sale of the Real Property described in the LRPMP on terms consistent with the LRPMP; and

WHEREAS, the Oversight Board desires to authorize the Successor Agency to negotiate and enter into agreements for the sale of the Real Property consistent with the LRPMP ("Purchase and Sale Agreements"), provided that the Successor Agency's obligation to transfer the Real Property under the Purchase and Sale Agreements is contingent upon receiving Oversight Board approval; and

WHEREAS, this authorization to negotiate and enter into Purchase and Sale Agreements is not a "Project" under section 15378 of the California Environmental Quality Act ("CEQA") Guidelines because the proposed action consists of administrative activity that will not directly result in physical changes to the environment and any future development of the Real Property will require separate environmental review and, as such, pursuant to section 15061(b)(3) of the CEQA Guidelines is not subject to CEQA; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Oversight Board of the Successor Agency to the Community Redevelopment Agency of the City of Palmdale, as follows:

SECTION 1. The foregoing recitals are true and correct and are a substantive part of this Resolution.

SECTION 2. The Oversight Board has received and heard all oral and written objections to authorizing the Executive Director of the Successor Agency to negotiate and enter into contingent Purchase and Sale Agreements for the sale of the Real Property, and to other matters pertaining to this authorization, and all such oral and written objections are hereby overruled.

SECTION 3. The Oversight Board hereby authorizes the Executive Director of the Successor Agency or designee to, (i) negotiate the sale of the Real Property, on terms that are consistent with the LRPMP, and which are approved by the Executive Director and Successor Agency legal counsel, and (ii) to enter into Purchase and Sale Agreements for the sale of the Real Property in a form approved by the Executive Director or designee and Successor Agency legal counsel, provided that the Successor Agency's obligation to sell the subject Real Property under the Purchase and Sale Agreements shall be contingent upon receiving Oversight Board approval.

SECTION 4. The Oversight Board hereby directs the Executive Director of the Successor Agency or designee to return to the Oversight Board and obtain approval of each Purchase and Sale Agreement before implementing the transfer of the subject Real Property.

SECTION 5. If any provision of this Resolution or the application of any such provision to any person or circumstance is held invalid, then such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The Oversight Board declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion of this Resolution.

SECTION 6. This Resolution shall take effect upon the date of its adoption.

SECTION 7. The Board Clerk shall certify as to the adoption of this Resolution.

PASSED, APPROVED and ADOPTED this 25th day of July, 2016 by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____ ABSENT: _____

James Turtee, Chair

ATTEST:

Rebecca J. Smith, Board Clerk

PROPOSED