

RESOLUTION NO. 18-03

A RESOLUTION OF OVERSIGHT BOARD FOR THE SUCCESSOR AGENCY TO THE CITY OF MONTCLAIR REDEVELOPMENT AGENCY AUTHORIZING THE SUCCESSOR AGENCY TO OBTAIN AN APPRAISAL OF 5326 SAN BERNARDINO STREET FOR THE PURPOSE OF ESTABLISHING PROPERTY VALUE UPON THE DISSOLUTION OF THE CITY OF MONTCLAIR REDEVELOPMENT AGENCY

WHEREAS, Assembly Bill 1X 26 ("AB 26") was signed by the Governor on June 28, 2011 and upheld as constitutional by the California Supreme Court. On June 27, 2012, the Governor signed Assembly Bill 1484 ("AB 1484"). AB 26 and AB 1484 (together called the "Dissolution Bills") eliminated California redevelopment agencies statewide, established successor agencies to pay, perform, and effectuate the enforceable obligations of the former redevelopment agencies and to wind down the affairs of the former redevelopment agencies; and

WHEREAS, the City of Montclair Redevelopment Agency ("Agency") is now a dissolved redevelopment agency pursuant to the Dissolution Bills; and

WHEREAS, by Resolution considered and approved by the City Council of the City of Montclair at an open public meeting, the City chose to become and serve as the "Successor Agency" to the dissolved Agency under the Dissolution Act; and

WHEREAS, as of and on and after February 1, 2012, the City serves and acts as the Successor Agency and is performing its functions as the successor agency under the Dissolution Act to administer the enforceable obligations of the Agency and otherwise unwind the Agency's affairs, all subject to the review and approval by a seven-member oversight board ("Oversight Board"); and

WHEREAS, Section 34179 provides that the Oversight Board has fiduciary responsibilities to holders of enforceable obligations and the taxing entities that benefit from distributions of property tax and other revenues pursuant to Section 34188 of Part 1.85 of the Dissolution Act; and

WHEREAS, pursuant to Section 34179 of the Health and Safety Code, the Successor Agency's Oversight Board was formed and the initial meeting occurred on April 25, 2012; and

WHEREAS, pursuant to Section 34191.5 of the Health and Safety Code a Community Redevelopment Property Trust Fund is established to be administered by the successor agency to serve as the repository of a dissolved redevelopment agency's real properties; and

WHEREAS, Section 34191.5(b) provides that a successor agency shall prepare a long-range property management plan that addresses the disposition and use of the real properties of a former redevelopment agency and the report shall be submitted to the oversight board and the Department of Finance ("DOF") for approval no later than six months following the issuance of a finding of completion; and

WHEREAS, the Successor Agency received a Finding of Completion from DOF on May 15, 2013, and the Successor Agency's deadline for submittal of the Oversight Board-approved Long-Range Property Management Plan was November 14, 2013; and

WHEREAS, in order to prepare said Long-Range Property Management Plan (LRPMP), the Successor Agency engaged and the Oversight Board approved the services of an appraisal firm; and

WHEREAS, DOF approved appraisal services for two of the properties listed in the LRPMP but denied the use of appraisal services for property located at 5326 San Bernardino Street; and

WHEREAS, the Successor Agency prepared the Long-Range Property Management Plan it was approved by the Oversight Board on November 13, 2013, and the Successor Agency submitted said Long-Range Property Management Plan to DOF on November 14, 2013; and

WHEREAS, DOF staff requested changes to the Long-Range Property Management Plan, and its amendment, the "Amended Long-Range Property Management Plan," was approved by Oversight Board Resolution No. 14-06 on August 13, 2014; and

WHEREAS, DOF staff requested additional changes to the Amended Long-Range Property Management Plans approved in Oversight Board Resolution No. 14-06, and those additional changes were approved pursuant to Oversight Board Resolution No. 15-03 on February 11, 2015; and

WHEREAS, changes requested by DOF to the LRPMP did not include 5326 San Bernardino Street which was scheduled to be transferred to the City for some potential future development; and

WHEREAS, on February 12, 2015, DOF issued its letter approving the transfer of disposition of assets pursuant to the "Amended Long-Range Property Management Plan" as approved by the Oversight Board in Resolution No. 15-03; and

WHEREAS, the Successor Agency is working toward the disposition of assets found indicated in the "Amended Long-Range Property Management Plan"; and

WHEREAS, in order to arrive at a value for the property located at 5326 San Bernardino Street as of the date of Redevelopment Dissolution, Successor Agency staff believes the appraisal of this site is necessary in the event the property is ever sold by the City of Montclair; and

WHEREAS, Successor Agency staff is recommending that an appraisal of the 5326 San Bernardino Street property be conducted by Kiley Company of a solicitation of proposals for appraisal services; and

WHEREAS, the City of Montclair has provided funding for the appraisal services because DOF has refused to approve Redevelopment Trust Fund resources for this expenditure; and

WHEREAS, Section 34177(e) of the Health and Safety Code states that a successor agency must ensure "the disposal (of assets) is to be done expeditiously and is in a manner aimed at maximizing value;" and

WHEREAS, pursuant to the Dissolution Act, the actions of the Successor Agency must be approved by the Oversight Board.

NOW, THEREFORE, BE IT RESOLVED that the Oversight Board for the Successor Agency to the City of Montclair Redevelopment Agency does hereby find and determine as follows:

Section 1. The above recitals are true and correct and are a substantive part of the Resolution.

Section 2. At its meeting of January 16, 2018 the Successor Agency authorized the services of Kiley Company to provide appraisal services for 5326 San Bernardino Street as a part of the disposition of assets pursuant to the Amended Long-Range Property Management Plan.

Section 3. The Oversight Board approves the actions of the Successor Agency in retaining appraisal services to determine the value of 5326 San Bernardino Street as of the date of Redevelopment Dissolution.

Section 4. The Oversight Board hereby directs the Successor Agency Executive Director or his designee to take any and all action necessary to carry out the purposes of this Resolution and comply with applicable law.

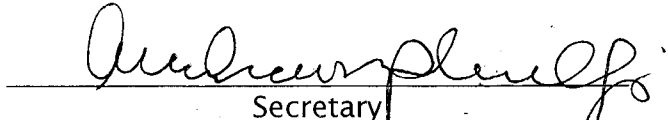
Section 5. The approval of this Resolution does not result in any action that may have a significant effect on the environment. As a result, such action does not constitute a project subject to the requirements of the California Environmental Quality Act.

Section 6. The Secretary of the Oversight Board shall certify to the adoption of this Resolution and shall maintain this Resolution on file as a public record as approved hereby.

APPROVED AND ADOPTED this 24th day of January, 2018.

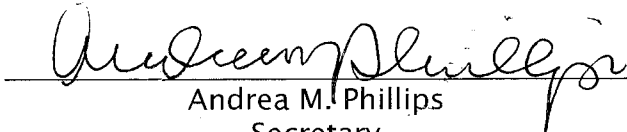

Chair

ATTEST:


Secretary

I, Andrea M. Phillips, Secretary of the Oversight Board for the Successor Agency to the City of Montclair Redevelopment Agency, DO HEREBY CERTIFY that Resolution No. 18-03 was duly adopted by the Oversight Board of Directors at a regular meeting thereof held on the 24th day of January, 2018, and that it was adopted by the following vote, to-wit:

AYES: Parker, Kulbeck, Hillman, Erickson, Johnson, Ruh
NOES: None
ABSTAIN: None
ABSENT: Richardson


Andrea M. Phillips
Secretary