

RESOLUTION NO. 2017-_____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MERCED
AUTHORIZING THE RETENTION BY THE CITY OF CERTAIN
GOVERNMENTAL USE PROPERTIES OWNED BY THE FORMER
REDEVELOPMENT AGENCY OF THE CITY OF MERCED AND
PREVIOUSLY CONVEYED TO THE CITY**

WHEREAS, in accordance with the provisions of the California Community Redevelopment Law (Health and Safety Code Section 3300 et seq.) (“CRL”), the City Council of the City of Merced (“City”) previously established the Redevelopment Agency of the City of Merced, a public body, corporate and politic (“Redevelopment Agency”) to carry out the purposes of and exercise the powers granted to community redevelopment agencies in accordance with the CRL; and

WHEREAS, Assembly Bill 1X 26, enacted in June 2011, and as modified by the Supreme Court of the State of California in *California Redevelopment Association, et al. v. Ana Matosantos, et al.*, Case No. S194861, and further modified by Assembly Bill 1484, enacted in June 2012, and other subsequently adopted legislation (collectively, the “Dissolution Act”) dissolved all redevelopment agencies on February 1, 2012, and set out procedures for their wind-down; and

WHEREAS, in accordance with the Dissolution Act, the City Council took official action declining to become the former Redevelopment Agency’s successor agency for the non-housing functions and assets pursuant to Health and Safety Code Section 34173(d)(1), and as a result, the City of Merced Designated Local Authority (“DLA”) was formed in accordance with CRL Section 34173(d)(3)(A) and assumed the former Redevelopment Agency’s non-housing functions and obligations; and

WHEREAS, an oversight board (“Oversight Board”) was formed for the DLA in accordance with CRL Section 34179, to oversee the actions of the DLA, and pursuant to CRL Section 34181(a)(1), direct the DLA, as the successor agency, to dispose of all assets and properties of the former redevelopment agency; provided, however, that the Oversight Board may instead direct the DLA to transfer ownership of those assets that were constructed and used for a governmental purpose, such as roads, parks, and parking facilities and lots dedicated solely to public parking, to the appropriate public jurisdiction; and

WHEREAS, the assets and obligations identified on the attached Exhibit A (“Governmental Use Properties”), were acquired by the former Redevelopment Agency and are currently used for a governmental purpose in accordance with CRL Section 34181(a); and

WHEREAS, pursuant to the authority granted in Resolution No. RDA 698, and Resolution No. PFA 2011-4, both adopted on January 31, 2011, the Governmental Use Properties identified in Exhibit A were transferred to the Merced Public Finance and Economic

Development Authority ("PFEDA") in March 2011, and were subsequently transferred by PFEDA to the City in April 2012; and

WHEREAS, CRL Section 34179.5 required the DLA, as the successor agency, to undergo specified due diligence reviews (each a "DDR") of the assets and accounts of the former Redevelopment Agency, one of which examined all non-housing assets transferred from the former Redevelopment Agency to the City or other entities ("Other Funds DDR"), which was submitted to DOF for review in accordance with CRL Section 34179.6(c); and

WHEREAS, in accordance with CRL Section 34167(g), the State Controller's Office ("SCO") undertook a review of all asset transfers which occurred after January 1, 2011, from the former Redevelopment Agency to the City or any other government agency, and in July 2015, the SCO issued a final Asset Transfer Report which acknowledged the unallowable transfer of certain non-housing assets to PFEDA and the City in 2011, indicating that those assets must be returned to the successor agency, but noting that some of those assets may be subject to the provisions of CRL Section 34181(a); and

WHEREAS, CRL Section 34181(f) provides that all actions taken pursuant to Section 34181(a) shall be approved by resolution of the Oversight Board at a public meeting after at least 10 days' notice to the public, and such actions shall be subject to review by DOF pursuant to Section 34179; and

WHEREAS, City staff has assembled supporting documentation to demonstrate that the Governmental Use Properties identified in Exhibit A meet the criteria for assets that were constructed and used for a governmental purpose under CRL Section 34181(a), and the City desires to submit this supporting documentation to the Oversight Board for consideration and request approval for the City to retain the Governmental Use Properties for continued use for a governmental purpose;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MERCED DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. Incorporation of Recitals. The foregoing recitals are true and correct, and are incorporated herein and made an operative part of this Resolution.

Section 2. Governmental Use Properties. The City Council hereby determines that the Governmental Use Properties listed in the attached Exhibit A are "assets that were constructed and used for a governmental purpose" and that meet the criteria described in Health and Safety Code Section 34181(a). Further, four (4) of the Governmental Use Properties listed on Exhibit A (2321 G Street, 2498 G Street, 25 E. Santa Fe, and 15 W. 23rd Street) were acquired by the City from the Redevelopment Agency for construction of the G Street right-of-way improvements, and the purchase prices for those properties were paid to the Redevelopment Agency in fiscal year 2010, prior to the dissolution of the Redevelopment Agency. These determinations are based on the supporting documentation referenced in and attached to the Administrative Report, dated January 11, 2017, which information is incorporated herein by reference.

Section 3. Approval of Retention by the City of Governmental Use Properties. The City Council hereby approves and authorizes the retention by the City of the Governmental Use Properties listed in Exhibit A, attached hereto and incorporated herein by reference, which Governmental Use Properties were previously conveyed to the City, as noted in the Recitals above.

Section 4. Authorization to Implement Resolution. The City Council hereby authorizes and directs the City Manager, in cooperation with the DLA and Oversight Board staff, to submit this matter, including all the information and supporting documentation contained in the Administrative Report referenced in Section 2, above, and any other information or supporting documentation requested by the Oversight Board and DOF, to the Oversight Board and DOF for approval, and to take such other actions and execute such other documents as are necessary or convenient to effectuate the retention of the Governmental Use Properties by the City, as contemplated in this Resolution.

Section 5. Severability. If any provision of this Resolution is held invalid, the remainder of this Resolution shall not be affected by such invalidity, and the provisions of this Resolution are severable.

Section 6. Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED AND ADOPTED by the City Council of the City of Merced at a regular meeting held on the _____ day of _____, 2017, by the following called vote:

AYES: Council Members:

NOES: Council Members:

ABSENT: Council Members:

ABSTAIN: Council Members:

APPROVED:

Mayor

ATTEST:
STEVE CARRIGAN, CITY CLERK

By: _____
Assistant/Deputy City Clerk

(SEAL)

APPROVED AS TO FORM:

Kelley J. Miller 1/11/17
City Attorney Date

EXHIBIT A
LIST OF GOVERNMENTAL USE PROPERTIES
TO BE RETAINED BY THE CITY

APN	Address	Existing Use
030-204-010	2321 G Street	Sidewalk, landscaping, sloped grade for "G" Street Undercrossing
033-032-014	2498 G Street	Sidewalk, landscaping, sloped grade for "G" Street Undercrossing
033-032-013	25 E. Santa Fe	Sidewalk, landscaping, sloped grade for "G" Street Undercrossing
030-204-012	15 W. 23rd Street	Right-of-way (Lorenzo Lane)
058-110-058	2820 N. Highway 59 (formerly 2800 N. Highway 59)	Right-of-way, sidewalk, landscaping
058-110-057	2822 N. Highway 59 (formerly 2808/2810 N. Highway 59)	Right-of-way, sidewalk, landscaping
058-110-054	2830 N. Highway 59 (formerly 2824 N. Highway 59)	Right-of-way, sidewalk, landscaping
058-110-070	2852 N. Highway 59 (formerly 2872 N. Highway 59)	Right-of-way, sidewalk, landscaping
058-110-068	2900 N. Highway 59 (formerly 2874 N. Highway 59)	Right-of-way, sidewalk, landscaping
058-110-066	2902 N. Highway 59 (formerly 2906 N. Highway 59)	Right-of-way, sidewalk, landscaping
058-110-064	2910 N. Highway 59 (formerly 2922 N. Highway 59)	Right-of-way, sidewalk, landscaping
058-110-062	2920 N. Highway 59 (formerly 2940 N. Highway 59)	
058-110-060	2930 N. Highway 59 (formerly 2960 N. Highway 59)	