

Resolution No: 2024-XXX

A RESOLUTION OF THE SUCCESSOR AGENCY TO THE FORMER COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF SANTA ANA APPROVING THE PURCHASE AND SALE AGREEMENT FOR THE DISPOSITION OF PROPERTY TO THE CITY OF SANTA ANA LOCATED AT 3RD STREET AND MAIN STREET PARKING LOT

BE IT RESOLVED BY THE GOVERNING BOARD OF THE SUCCESSOR AGENCY TO THE FORMER COMMUNITY REDEVELOPMENT AGENCY OF THE CITY OF SANTA ANA AS FOLLOWS:

Section 1. The Governing Board of the Successor Agency to the Former Community Redevelopment Agency of the City of Santa Ana hereby finds, determines and declares as follows:

- A. Pursuant to AB X1 26 (enacted in June 2011 and amended from time to time, the “Dissolution Act”) and the California Supreme Court’s decision in *California Redevelopment Association, et al. v. Ana Matosantos, et al.*, 53 Cal.4th 231 (2011), all redevelopment agencies within the State of California, including the Community Redevelopment Agency of the City of Santa Ana (“Former Agency”), were dissolved.
- B. On January 9, 2012, pursuant to section 34173 of the California Health and Safety Code (“HSC”), the City of Santa Ana (“City”) elected to serve as Successor Agency to the dissolved Former Agency (“Successor Agency”).
- C. The Successor Agency is tasked with winding down the Former Agency’s affairs.
- D. Pursuant to HSC section 34175(b), all assets, including real properties, of the Former Agency transferred to the control of the Successor Agency by operation of law.
- E. The Former Agency acquired that parking lot located at 3rd Street and Main Street, APN 398-601-02 (“Property”). The Property is subject to a Parking Space Agreement dated May 18, 1993 (recorded with the County on September 14, 1993), as amended on March 16, 2001 (recorded with the County on May 8, 2001), and the agreement assured the owners of the adjacent property located at 200 North Main Street (Builders Exchange Building) with the future availability of 60 parking spaces exclusively for the use of those owners. The Former Agency and the successive owners of the Property are bound by this Parking Space Agreement.
- F. The Property is also subject to a Property Maintenance License and Revocable Access Easement Agreement entered into on October 11, 2019 (recorded with the County on October 16, 2019), for a three-year period, with automatic renewals every one-year period, for ingress and egress to provide entry to the parking lot. The Successor Agency and the successive owners of the Property are bound by this Property Maintenance License and Revocable Access Easement Agreement.

- G. Pursuant to the Long Range Property Management Plan attached to Oversight Board Resolution No. 2015-04, the Successor Agency intends to sell the Property to the City for the appraised market value.
- H. In furtherance of its wind-down of the Former Agency's affairs, the Successor Agency desires to transfer the Property to the City pursuant to HSC section 34181(a).
- I. The City and the Successor Agency have reviewed the fair market value of the Property and have concluded that the value of the Property is consistent with the purchase price as set forth in the draft "Purchase and Sale Agreement" in the form submitted to the City and Successor Agency concurrently herewith (the "Agreement").
- J. The fair market value and purchase price was established as \$190,000 by an appraisal conducted on October 3, 2023.
- K. A joint public hearing of the Successor Agency and City Council on the proposed Agreement was duly noticed in accordance with HSC section 33431.
- L. On September 17, 2024, the governing board of the Successor Agency and the City Council held a joint public hearing on the proposed Agreement, at which time the City Council and the Successor Agency reviewed and evaluated all the information, testimony, and evidence presented during the joint public hearing.
- M. All actions required by all applicable law with respect to the proposed Agreement have been taken in an appropriate and timely manner.
- N. The Successor Agency has reviewed the staff report in connection with this matter and has evaluated other information provided to it pertaining to the findings proposed to be made hereunder.
- O. The Successor Agency has considered all of the terms and conditions of the proposed Agreement and believes that the sale of the Property pursuant to the Agreement complies with the Oversight Board's direction to dispose of all assets and properties of the Former Agency pursuant to HSC section 34181(a), and in accord with the public purposes and provisions of applicable State and local laws and requirements.

Section 2. The Successor Agency hereby finds and determines that the disposition by sale of the Property by the Successor Agency to the City pursuant to the Agreement will further the achievement of the Successor Agency's purpose of winding down the Former Agency's affairs in compliance with the Oversight Board's direction to dispose of all assets and properties of the Former Agency pursuant to HSC section 34181(a).

Section 3. The Successor Agency finds and determines that, based upon substantial evidence provided in the record, the consideration for the Successor Agency's sale of the Property to the City pursuant to the terms and conditions of the Agreement is not less than the fair market value of the Property.

Section 4. The Successor Agency hereby approves the Agreement in substantially the form presented to the Successor Agency, subject to such revisions as

may be made by the Executive Director of the Successor Agency, or designee. The Executive Director of the Successor Agency is hereby authorized to execute the Agreement, as so revised (including without limitation all attachments thereto), on behalf of the Successor Agency, together with any instruments necessary or convenient to implement the Agreement. A copy of the Agreement shall, when executed by the Successor Agency, be placed on file in the Office of the Secretary of the Successor Agency.

Section 5. The Executive Director of the Successor Agency, or designee, is hereby authorized, on behalf of the Successor Agency, to make revisions to the Agreement that do not materially or substantially increase the Successor Agency's obligations thereunder or materially or substantially change the uses or development permitted on the Property, to sign all documents to make all approvals and take all actions necessary or appropriate to carry out and implement the Agreement and to administer the Successor Agency's obligations, responsibilities and duties to be performed under the Agreement and related documents.

Section 6. Pursuant to the California Environmental Quality Act (CEQA) Guidelines, the sale of the Property is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) as the Property's existing use as a parking lot will continue, such that the sale is covered by the common sense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment as it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment. Alternatively, the sale of the Property is exempt from CEQA pursuant to CEQA Guidelines Section 15301 as the Property will continue to be operated as a parking lot, its existing use.

Section 7. This Resolution shall take effect immediately upon its adoption by the Successor Agency, and the Secretary of the Successor Agency shall attest to and certify the vote adopting this Resolution.

Adopted this ____ day of _____, 20_____.

Valerie Amezcua
Chair

APPROVED AS TO FORM:
Sonia R. Carvalho, City Attorney

By: Andrea Garcia-Miller
Andrea Garcia-Miller
Assistant City Attorney

AYES: Successor Agency Members _____

NOES: Successor Agency Members _____

ABSTAIN: Successor Agency Members _____

NOT PRESENT: Successor Agency Members _____

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Jennifer Hall, Secretary of the Successor Agency, do hereby attest to and certify the attached Resolution No. 2024-XXX to be the original Resolution adopted by the Governing Board of the Successor Agency to the Former Community Redevelopment Agency of the City of Santa Ana on September ____, 2024.

Date: _____

Successor Agency Secretary