

RESOLUTION NO. OBSARDA 2012-015

A RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE HIGHLAND REDEVELOPMENT AGENCY CONFIRMING THAT TITLE TO THE ATHLETIC/COMMUNITY CENTER IS PROPERLY IN THE NAME OF THE CITY NOTWITHSTANDING THE “DUE DILIGENCE REVIEW” DATED OCTOBER 23, 2012, AND HAS NOT BEEN AND SHOULD NOT BE TRANSFERRED TO THE SUCCESSOR AGENCY

RECITALS:

A. Pursuant to Health and Safety Code Section 34175(b) and the California Supreme Court’s decision in *California Redevelopment Association, et al. v. Ana Matosantos, et al.* (53 Cal.4th 231(2011)), on February 1, 2012, all assets, properties, contracts, leases, books and records, buildings, and equipment of the Highland Redevelopment Agency (the “Agency”) transferred to the Successor Agency to the Highland Redevelopment Agency (the “Successor Agency”) by operation of law.

B. Health and Safety Code Section 34181(a) provides that the oversight board of the Successor Agency (the “Oversight Board”) shall direct the Successor Agency to dispose of all assets and properties of the former redevelopment agency, but may instead direct the Successor Agency to transfer ownership of assets for a governmental purpose to the appropriate public jurisdiction.

C. The City has title to certain property in the City of Highland (“City”) known as APN 1192-571-48 (the “Property”) which is used as a public athletic/community center.

D. The Property was acquired in part with Agency funds [as permitted by Health and Safety Code Section 33445]. The Property was listed on the “Due Diligence Review” dated October 23, 2012 that was submitted to the California Department of Finance as an Agency asset.

E. It would be useful/appropriate to clarify/confirm that title to the Property is properly in the City, has not transferred to the Successor Agency and should not be transferred to the Successor Agency.

F. Pursuant to Health and Safety Code Sections 34179(f) and 34181(f), notice of this action was posted on the City of Highland’s website on November 9, 2012.

NOW, THEREFORE, THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE HIGHLAND REDEVELOPMENT AGENCY HEREBY FINDS, DETERMINES, RESOLVES, AND ORDERS AS FOLLOWS:

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

Section 2. This Resolution is adopted pursuant to Health and Safety Code Section 34181(a).

Section 3. Title to the Property is properly in the City, did not transfer to the Successor Agency by operation of law and shall not be transferred to the Successor Agency.

Section 4. The staff of the City of Highland is hereby directed to provide DOF written notice and information regarding the action taken by the Oversight Board in Section 3 of this Resolution. Such notice and information shall be provided by electronic means and in a manner of DOF's choosing.

Section 5. The staff of the City of Highland is hereby authorized and directed, jointly and severally, to execute and record such documents and instruments and to do any and all other things which they may deem necessary or advisable to effectuate this Resolution.

PASSED, APPROVED AND ADOPTED this 27th day of November, 2012.


Larry McCallon
Chair

ATTEST:


Betty Hughes, MMC
Secretary

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF HIGHLAND)

I, BETTY HUGHES, Secretary of the Oversight Board of the Successor Agency to the Highland Redevelopment Agency of the City of Highland, California, do hereby certify Oversight Board of the Successor Agency to the Redevelopment Agency Resolution No. OBSARDA2012-015 was duly and regularly adopted by the Oversight Board of the Successor Agency to the Highland Redevelopment Agency, Highland, California, at a special meeting thereof held on the 27th day of November, 2012, by the following vote:

AYES: Haller, Huff, Jaquess, McCallon, Sutorus

NOES: None

ABSTAIN: None

ABSENT: Peukert, Saks



BETTY HUGHES, MMC
SECRETARY