

RESOLUTION NUMBER R- 307601

DATE OF FINAL PASSAGE JUL 31 2012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN DIEGO, ACTING IN ITS CAPACITY AS THE BOARD OF THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SAN DIEGO, AUTHORIZING THE EXECUTION AND RECORDING OF CONVEYANCE INSTRUMENTS TO ACCOMPLISH THE TRANSFER OF AFFORDABLE HOUSING ASSETS FROM THE REDEVELOPMENT SUCCESSOR AGENCY TO THE CITY AS SUCCESSOR HOUSING ENTITY AND TO THE LOW AND MODERATE INCOME HOUSING ASSET FUND.

WHEREAS, from its formation in 1958 until its elimination on February 1, 2012, the Redevelopment Agency of the City of San Diego (Former RDA) administered the implementation of various redevelopment projects, programs, and activities within designated redevelopment project areas throughout the City of San Diego (City), and there are presently fourteen such project areas; and

WHEREAS, the Former RDA dissolved as of February 1, 2012, in accordance with a deadline for elimination of all redevelopment agencies throughout California set forth in Assembly Bill x1 26 (AB 26), as modified by the California Supreme Court in a final opinion issued on December 29, 2011, in litigation designated as Case No. S194861; and

WHEREAS, before the Former RDA's dissolution, the City Council adopted Resolution No. R-307238 effective January 12, 2012, designating the City to serve as the successor agency to the Former RDA (Successor Agency) pursuant to California Health and Safety Code section 34173(d)(1), and further designating the City to serve as the successor housing entity to the Former RDA (Successor Housing Entity) for purposes of performing the Former RDA's housing functions pursuant to California Health and Safety Code section 34176(a)(1); and

WHEREAS, upon the Former RDA's dissolution on February 1, 2012, the Successor Agency became vested with all of the Former RDA's authority, rights, powers, duties, and obligations under the California Community Redevelopment Law and, by operation of law, received all assets, properties, contracts, leases, books and records, buildings, and equipment of the Former RDA; and

WHEREAS, the Successor Agency is winding down the Former RDA's affairs in accordance with AB 26, enacted on June 28, 2011, and Assembly Bill 1484 (AB 1484), enacted on June 27, 2012; and

WHEREAS, AB 26 contemplates that the Successor Agency will transfer the Former RDA's affordable housing assets (Housing Assets) to the City as Successor Housing Entity at the direction of the seven-member Oversight Board, although the Oversight Board has not yet provided such direction to the Successor Agency; and

WHEREAS, AB 1484 expands the scope of Housing Assets to be transferred from the Successor Agency to the City as Successor Housing Entity, as specified in California Health and Safety Code section 34176(e); and

WHEREAS, AB 1484 also requires the Successor Agency to submit to the California Department of Finance (DOF), by August 1, 2012, a list of Housing Assets previously transferred by the Successor Agency to the City as Successor Housing Entity, as specified in California Health and Safety Code section 34176(a)(2); and

WHEREAS, although the Successor Agency has not previously transferred any Housing Assets to the City as Successor Housing Entity, Successor Agency staff plans to submit a comprehensive list of Housing Assets to the DOF by August 1, 2012; and

WHEREAS, Successor Agency staff has presented an initial draft of the list of Housing Assets to the City Council as an informational item, and such initial draft is comprised of Attachments A, B, C and D in Agenda Report No. 12-098 to the City Council (Staff Report); and

WHEREAS, Successor Agency staff plans to update the initial draft of the list of Housing Assets substantially before August 1, 2012, to conform to a mandatory template recently provided by the DOF and to include any Housing Assets that may have been inaccurately described in, or inadvertently omitted from, the initial draft; and

WHEREAS, Successor Agency staff also plans to seek approval from the Oversight Board at the earliest opportunity in August 2012 to transfer the Housing Assets to the City as Successor Housing Entity in accordance with California Health and Safety Code section 34181(c); and

WHEREAS, California Health and Safety Code section 34179(p) states that decisions made by the Oversight Board within its purview will supersede decisions made by the Successor Agency or Successor Agency staff; and

WHEREAS, the Oversight Board's decision regarding the transfer of Housing Assets will not become effective until after the decision has been approved or deemed approved by the DOF in accordance with California Health and Safety Code section 34181(f); and

WHEREAS, it is assumed for purposes of this Resolution that the Oversight Board and the DOF will approve the transfer of the Housing Assets from the Successor Agency to the Successor Housing Entity, and that any modifications made by the Oversight Board to the list of Housing Assets will be binding on the Successor Agency; and

WHEREAS, California Health and Safety Code section 34176(d) requires the Successor Housing Entity to create a new, separate fund, known as the Low and Moderate Income Housing Asset Fund, for purposes of depositing the Housing Assets transferred by the Successor Agency

to the Successor Housing Entity and retaining any funds generated from the Housing Assets in the future; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, acting in its capacity as the board of the Successor Agency, as follows:

1. The Mayor or designee is authorized to execute and record, on the Successor Agency's behalf, the conveyance instruments necessary to accomplish the transfer of the Housing Assets (collectively, the Conveyance Instruments) from the Successor Agency to the City as Successor Housing Entity, including: (a) the quitclaim deeds for the transfer of fee title ownership of all Housing Assets comprising real property assets, in substantially the form of Attachment E to the Staff Report; (b) the assignment and assumption agreement for the transfer of all Housing Assets other than real property assets, in substantially the form of Attachment F to the Staff Report; and (c) such other conveyance instruments as may be deemed necessary or appropriate to accomplish the complete transfer of the Housing Assets. A copy of all Conveyance Instruments, when executed (and recorded in the San Diego County Recorder's Office, where appropriate), shall be placed on file with the City Clerk.

2. The Mayor or designee is authorized, on the Successor Agency's behalf, to take all reasonable and necessary actions and to execute and record all reasonable and necessary documents to implement and carry out the purposes of this Resolution, including without limitation the Successor Agency's transfer of the Housing Assets to the City as Successor Housing Entity, utilizing the appropriate Conveyance Instruments, and on such other terms and conditions deemed by the Mayor or designee to be in the best interests of the Successor Agency, subject to the approval of the City Attorney.

3. The Mayor or designee is authorized to administer the Successor Agency's obligations, responsibilities, and duties to be performed under the terms of this Resolution and the Conveyance Instruments.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Kevin Reisch
Kevin Reisch
Deputy City Attorney

KR:nja
07/20/12
Or.Dept:Mayor
Companion to: R-2013-62
Doc. No. 406021

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of JUL 23 2012.

ELIZABETH S. MALAND
City Clerk

By [Signature]
Deputy City Clerk

[Signature]
JERRY SANDERS, Mayor

Approved: 7-31-12
(date)

Vetoed: _____
(date)

JERRY SANDERS, Mayor