

1 RESOLUTION NO. SBOB/2012-20

2 A RESOLUTION OF THE OVERSIGHT BOARD FOR THE SUCCESSOR  
3 AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SAN  
4 BERNARDINO DIRECTING THE SUCCESSOR AGENCY TO TAKE ALL  
5 NECESSARY ACTION TO RECOVER APNS 0281-021-30, 0281-031-51,  
6 0281-031-52 and 0281-041-41 AND ANY LEASES OR AGREEMENTS  
7 RELATING THERETO; AND AFFIRMING THE OVERSIGHT BOARD'S  
8 SUPPORT FOR TRANSFERRING EASEMENTS OVER A PORTION OF  
9 SAID PROPERTY TO THE SAN BERNARDINO COUNTY FLOOD  
10 CONTROL DISTRICT FOR ACCESS AND MAINTENANCE OF FLOOD  
11 CONTROL FACILITIES AND COMMON USE AS A PORTION OF THE  
12 REGIONAL RECREATIONAL SANTA ANA RIVER TRAIL

13 WHEREAS, the California state legislature enacted Assembly Bill x1 26 (the  
14 "Dissolution Act") to dissolve redevelopment agencies formed under the Community  
15 Redevelopment Law (Health and Safety Code Section 33000 et seq.); and

16 WHEREAS, on January 9, 2012 and pursuant to Health and Safety Code Section  
17 34173, the Mayor and Common Council of the City of San Bernardino (the "City  
18 Council") adopted Resolution No. 2012-12 confirming that the City of San Bernardino, a  
19 charter city (the "City"), would act as successor agency (the "Successor Agency") for  
20 the dissolved Redevelopment Agency of the City of San Bernardino (the "RDA")  
21 effective February 1, 2012; and

22 WHEREAS, on February 1, 2012, the RDA was dissolved pursuant to Health and  
23 Safety Code Section 34172; and

24 WHEREAS, pursuant to AB 1484 ("AB 1484"), enacted June 27, 2012 to amend  
25 various provisions of the Dissolution Act, the Successor Agency is now declared to be a  
26 separate legal entity from the City; and

27 WHEREAS, the Dissolution Act provides for the appointment of an oversight  
28 board (the "Oversight Board") with specific duties to approve certain Successor Agency  
actions pursuant to Health and Safety Code Section 34180 and to direct the Successor  
Agency in certain other actions pursuant to Health and Safety Code Section 34181; and

WHEREAS, by quitclaim deed dated March 17, 2011, the RDA transferred to the  
San Bernardino Economic Development Corporation ("SBEDC"), a California nonprofit

1 corporation, Parcel No. 5 and Parcel No. 6 of Parcel Map No. 4781, in the City of San  
2 Bernardino, County of San Bernardino, State of California, as per plat recorded in Book  
3 48 of Parcel Maps, page 87, inclusive, records of said County; assessor parcel numbers  
4 0281-021-30, 0281-031-51, 0281-031-52 and 0281-041-41 (the "Property"); and

5 WHEREAS, such transfers by redevelopment agencies to economic  
6 development corporations are subject to the "claw back" provisions of the Dissolution  
7 Act; and

8 WHEREAS, the City was instrumental in establishing the SBEDC, the Mayor of  
9 the City is the President of the SBEDC and the RDA's former Executive Director is the  
10 Chief Executive Officer of SBEDC; and

11 WHEREAS, portions of the Property are adjacent to the Santa Ana River  
12 streambed which is maintained by the San Bernardino County Flood Control District  
13 (the "Flood Control District"); and

14 WHEREAS, due to the location, portions of the Property are undevelopable for  
15 economic activity and thus, of no commercial value; and

16 WHEREAS, obtaining easements over portions of the Property would provide  
17 easier and greater access to the Flood Control District for maintenance of flood control  
18 facilities for the protection of life and property; and

19 WHEREAS, in 1955 the Santa Ana River Corridor was recommended to the  
20 California State Parks Commission as a multi use recreation area; and

21 WHEREAS, thirty five years later in 1990, a master plan for trail and recreational  
22 development along the Santa Ana River was completed and Orange and Riverside  
23 Counties started to develop the Santa Ana River Trail (SART) with San Bernardino  
24 County subsequently participating; and

25 WHEREAS, the passage of the 2000 Parks Bond Act (Prop 12) and the 2002  
26 Resources Bond Act (Prop 40) provided funding for trail development; and

27 WHEREAS, two of four phases of SART trail development have been completed;  
28 and

1           WHEREAS, SART is now a regionally significant recreational facility traversing  
2 three counties and providing recreational opportunities for millions of residents; and

3           WHEREAS, the commencement of Phase 3 of SART is dependent on obtaining  
4 rights-of-way over the 3.6 mile reach from Waterman Avenue in San Bernardino to  
5 California Street in the City of Redlands, including rights-of-way over portions of the  
6 Property; and

7           WHEREAS, delays in obtaining the necessary rights-of-way will initially place  
8 \$559,000 of grant funding at risk and could lead to significantly larger funding losses;  
9 and

10           WHEREAS, the recovery from the SBEDC of the Property by the Successor  
11 Agency will enable the Successor Agency to expeditiously evaluate and act on the  
12 disposition of easements for significant public good;

13           WHEREAS, the accompanying staff report provides supporting information upon  
14 which the action set forth in this Resolution is based.

15           NOW, THEREFORE, BE IT RESOLVED that the Oversight Board hereby finds,  
16 resolves, and determines that the foregoing recitals are true and correct, and, together  
17 with information provided by the Successor Agency staff and the public, form the basis  
18 for the findings, resolutions, and determinations set forth below.

19           BE IT FURTHER RESOLVED that the Oversight Board directs the Successor  
20 Agency to take any and all necessary actions to recover the Property and any related  
21 leases or other agreements from the SBEDC without delay.

22           BE IT FURTHER RESOLVED that the Oversight Board hereby affirms its support  
23 for transferring easements over a portion of the Property to the San Bernardino County  
24 Flood Control District for access and maintenance of flood control facilities and common  
25 use as a portion of the regional recreational Santa Ana River Trail.

26           BE IT FURTHER RESOLVED that this Resolution shall take effect from and after  
27 its date of adoption by this Board.

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**A RESOLUTION OF THE OVERSIGHT BOARD FOR THE CITY OF SAN BERNARDINO PURSUANT TO THE APPROVAL OF THE TRANSFER OF HOUSING ASSETS FROM THE SUCCESSOR AGENCY TO THE SUCCESSOR HOUSING AGENCY**

PASSED, APPROVED AND ADOPTED THIS \_\_\_ day of \_\_\_\_\_, 2012, by the following vote:

<u>Board Members:</u>	<u>Ayes</u>	<u>Nays</u>	<u>Abstain</u>	<u>Absent</u>
JENKINS	_____	_____	_____	_____
HEADRICK	_____	_____	_____	_____
MACIAS-HARRISON	_____	_____	_____	_____
HILL	_____	_____	_____	_____
LONGVILLE	_____	_____	_____	_____
O'TOOLE	_____	_____	_____	_____
MORRIS	_____	_____	_____	_____

\_\_\_\_\_  
Secretary

The foregoing Resolution is hereby approved this \_\_\_ day of \_\_\_\_\_, 2012.

for Douglas A. Headrick - Vice Chair  
Jim Morris, Chairman  
Oversight Board for the City of San Bernardino As Successor Agency to the Redevelopment Agency of the City of San Bernardino