

STAFF REPORT

**SUCCESSOR AGENCY
CITY OF OCEANSIDE**

DATE: August 26, 2014
TO: The Oversight Board of the City of Oceanside Successor Agency
FROM: Property Management
SUBJECT: **ADOPTION OF A RESOLUTION REGARDING TRANSFER OF
PROPERTY USED FOR PUBLIC PURPOSES**

SYNOPSIS

Staff recommends that the Oversight Board adopt a resolution accepting the transfer of property used for public purposes from the City of Oceanside and authorizing the Chairman to execute a quit-claim deed transferring the properties from the Successor Agency to the City of Oceanside.

BACKGROUND

On March 6, 2011, the Community Development Commission approved the transfer of certain improved properties formerly owned by the Redevelopment Agency (RDA) to the City. The properties had been purchased by the Community Development Commission in the implementation of the Downtown Redevelopment Plan, had been improved and placed into public use well before the dissolution of the Redevelopment Agency, and had no potential for development given the public use. These properties include:

- Harbor Parking Lot 143-040-45
- Welcome Center and Chamber of Commerce Offices 147-020-39
- California Surf Museum 147-088-02
- Public Parking Lot 21 west of railroad tracks north of Surfrider 147-160-10
- Parking Lot 21 east of railroad tracks north of Surfrider 147-160-08
- Strand Beach Park 147-264-0-3 through 06
- Parking Lot 26 100 block S Myers 147-350-16
- Transit Center Parking Structure 147-350-22
- Parking Lot 26 extension/rail trail 150-077-22 & 25, 150-263-22
- Parking Lot 27 at Wisconsin 150-263-23

Exhibit "A" to the resolution is the legal description of the properties.

Following the dissolution of the Redevelopment Agency, the Oversight Board adopted a resolution on June 26, 2012, ratifying the transfer of the above-described properties for public use. As noted in the resolution, all of the properties (with two

exceptions) were being used to provide public parking for coastal access or being used as a public park. Two of the properties have long term, no-rent leases with nonprofit groups providing civic uses. The properties, therefore, have no or de minimus economic value and cannot be used to pay Agency debt. A copy of the resolution (12-R0421-OOB) was sent to the Department of Finance (DOF) and no objection was provided to the Successor Agency.

The State Controller's Office (SCO) is charged with reviewing all land transfers between January 1, 2011, and January 31, 2012. The SCO provided preliminary findings to the Successor Agency staff several months ago. At that time, the SCO did not take issue with the transfer of the properties listed above. Moreover, DOF has completed several other audits and found that the Oversight Board could ratify the transfer of land for public use to the applicable city. However, before it finalized its findings involving Oceanside, after the passage of several months, the SCO raised a concern that the Oversight Board could not "ratify" the actions of the Redevelopment Agency. Rather, according to the SCO, the Oversight Board must make its own decision to transfer the properties that were quitclaimed in 2011. The SCO relies upon a recent Superior Court case with the former Brea Redevelopment Agency to support its position.

We believe the Brea case is distinguishable, however, to address the SCO's preliminary findings, a resolution has been prepared to formally transfer the above described purposes for public use consistent with the Oversight Board's action on June 26, 2012.

ANALYSIS

The properties in question are all being used for public purposes as described in the attached resolution. The properties were transferred to the City and that action was ratified by the Oversight Board and that action was previously not opposed by the DOF. The draft resolution authorizes agency staff to accept the transfer of the properties from the City and formally approve conveyance to the City for the continuation of public use.

FISCAL IMPACT

Most of the properties are parking lots or parks which have been maintained by the City for years. Two of the other properties are being operated by non-profit groups on long-term no-rent basis. Therefore, there is no additional fiscal impact as a result of these actions. The transfer will enable the Successor Agency to avoid the payment of maintenance costs as the City will continue to absorb these costs.

CITY ATTORNEY'S ANALYSIS

The City Attorney, acting as counsel to the Successor Agency, has reviewed the referenced documents and approved as to form.

RECOMMENDATION

Staff recommends that the Oversight Board adopt a resolution accepting the transfer of property used for public purposes from the City of Oceanside and authorizing the Chairman to execute a quit-claim deed transferring the properties from the Successor Agency to the City of Oceanside.

PREPARED BY:



Douglas Eddow
Real Estate Manager

SUBMITTED BY:



Steven R. Jepsen
City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager
James Riley, Financial Services Director



1 RESOLUTION NO. _____

2 RESOLUTION OF THE OVERSIGHT BOARD FOR THE
3 SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY
4 OF THE CITY OF OCEANSIDE CALIFORNIA ACCEPTING
5 THE TRNFER OF PROPERTY FROM THE CITY OF
6 OCEANSIDE AND AUTHORIZING THE CHAIRMAN TO
7 EXECUTE A QUITCLAIM DEED TRANSFERRING THE
8 PROPERTIES TO THE CITY OF OCEANSIDE TO BE USED
9 FOR GOVERNMENTAL PURPOSES

10 WHEREAS, on March 26, 2011, prior to the enactment of AB 1X 26, the Community
11 Development Commission of the City of Oceanside (CDC) transferred to the City of Oceanside
12 title to various parcels of land with no or de minimus revenue potential to be used for public
13 beach access parking as well as two properties that are subject to long term leases with
14 nonprofit organizations for civic uses; and

15 WHEREAS, on April, 20, 2012, the State Controller issued a letter to all successor
16 agencies requiring the return of assets transferred by former redevelopment agencies cities
17 occurring after January 1, 2011; and

18 WHEREAS, at the time the CDC authorized the transfer of the properties described
19 above on March 26, 2011, the CDC had full legal authorization to make such a transfer; and

20 WHEREAS, Health and Safety Code section 34181(a) authorizes the Oversight Board to
21 direct the Successor Agency to transfer ownership of assets that were constructed and used for a
22 government purpose to the appropriate public jurisdiction; and

23 WHEREAS, the properties previously transferred to the City of Oceanside on March 26,
24 2011 were constructed and continue to be used for government purposes including the provision
25 of public parking for coastal access. In addition, two properties are subject to long term leases
26 with non-profit organizations that provide civic uses; and

27 WHEREAS, on June 26, 2012, the Oversight Board adopted resolution 12-R0421-OOB
28 ratifying the transfer of the properties subject to the action of the CDC on March 26, 2011; and

WHEREAS, a copy of Resolution 12-R-0421-OOB was provided by Successor Agency
staff to the Department of Finance and no objection was provided; and

1 WHEREAS, the State Controller's Office (SCO) is charged with reviewing all land
2 transfers between January 1, 2011, and January 31, 2012. The SCO provided preliminary
3 findings to the Successor Agency staff several months ago and did not take issue with the
4 Oversight Board's action on June 26, 2012 ratifying the transfer of the subject properties to the
5 City. Moreover, DOF has completed several audits of other agencies and found that oversight
6 boards could ratify the transfer of land from a redevelopment agency to a city for continued
7 governmental purposes; and

8 WHEREAS, before it finalized its findings involving Oceanside and after the passage of
9 several months, the SCO raised a concern that the Oversight Board could not "ratify" the
10 actions of the Redevelopment Agency. Rather, according to the SCO, the Oversight Board
11 must make its own decision to transfer the properties that were quitclaimed in 2011. The SCO
12 relies upon a recent Superior Court case with the former Brea Redevelopment Agency to
13 support its position; and

14 WHEREAS, to address the SCO's preliminary findings, staff has prepared the following
15 resolution;

16 WHEREAS, the Oversight Board finds that each of the identified properties in Exhibit A
17 have no or de minimus revenue potential as they were constructed and continued to be used to
18 this date for an appropriate governmental purpose, namely the provision of limited parking for
19 coastal access as well as for lawful civic uses pursuant to two leases with nonprofit
20 organizations.

21 NOW, THEREFORE, BE IT RESOLVED BY THE OVERSIGHT BOARD FOR THE
22 SUCCESSOR AGENCY OF THE CITY OF OCEANSIDE AS FOLLOWS;

23 SECTION 1. The recitals set forth above are true and correct and incorporated herein.

24 SECTION 2. The Oversight Board authorizes the acceptance of those properties listed
25 in Exhibit A to the City and further authorizes the Successor Agency to quitclaim each property
26 to the City of Oceanside to be used for continued governmental purposes as public parking for
27 coastal access and for civic uses subject to leases approved before the dissolution of the
28 redevelopment agency.

1 PASSED AND ADOPTED by the Oversight Board of Successor Agency of Oceanside
2 this 26th Day of August, 2014, by the following vote:

3
4 AYES:

5 NAYES:

6 ABSENT:

7 ABSTAIN:

8
9 _____
10 CHAIRPERSON
11 OVERSIGHT BOARD OF SUCCESSOR
12 AGENCY
13 CITY OF OCEANSIDE

14 ATTEST:

15 _____
16 SECRETARY
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EXHIBIT "A"

LEGAL DESCRIPTION

Parcel A:

That certain real property situated in the City of Oceanside, County of San Diego, State of California, being that portion of the Southeast Quarter of the Northeast Quarter of Section 22 Township 11 South, Range 5 West, San Bernardino Meridian, according to Official Plat thereof, as described in that certain Final Order of Condemnation in Superior Court of the State of California for the County of San Diego, North County Branch, Case No. GIN 002372-1 dated February 8, 2001, Community Development Commission of the City of Oceanside as Plaintiff and P-H- Oceanside, Ltd, et al, as Defendant, as filed in the Office of the County Recorder of San Diego County as Document No. 2001-0112409 on February 28, 2001, Official Records of San Diego County

Assessor Parcel No. 143-040-45

Parcel B:

That certain real property situated in the City of Oceanside, County of San Diego, State of California, being portions of Lots 2, 3 and 4 of Hill Street Annex to the City of Oceanside, according to Map thereof No. 1296 filed in the Office of the County Recorder of San Diego County, October 20, 1910, described in that certain Grant Deed dated May 21, 1980, from Fred J. Williams and Doris M Williams, to The Redevelopment Agency of the City of Oceanside (predecessor in interest to said Commission) as filed in the Office of the County Recorder of San Diego as Document No. 80-1746637 on May 30, 1980, Official Records of San Diego County

Assessor Parcel No. 147-020-39

Parcel C:

That certain real property situated in the City of Oceanside, County of San Diego, State of California, being the southwesterly 60 feet of Lots 5 and 6 in Block 10 of Oceanside Townsite, according to Map thereof No. 344 filed in the Office of the County Recorder of the County of San Diego County, July 1, 1885, described in that certain Grant Deed dated May 1, 2002 from Edward J. Arthur and Jean M. Arthur, as Trustees of the Arthur Declaration of Trust dated December 29, 1988, to said Commission as filed in the Office of the County Recorder of San Diego as Document No. 2002-0448329, on May 28, 2002, Official Records of San Diego County

Assessor Parcel No. 147-088-02

Parcel D:

That certain real property situated in the City of Oceanside, County of San Diego, State of California, being those portions of said Railway Company's 500-wide Oceanside Station Grounds as described in Deed dated February 19, 1887 to California Southern Railroad Company (predecessor in interest to said Railway Company) recorded February 23, 1887, in Book 78 of Deeds, Page 390, Records of said County, together with those portions of said Railway Company's 200-foot wide strip of land as acquired by said Railroad Company under the provisions of the Act of Congress of March 3, 1875 (18 Stat. 482), and as shown on a Map filed in the Office of the Secretary of the Interior, March 14, 1881, as approved May 12, 1881, lying in Sections 22, 26 and 27, Township 11 South, Range 5 West, San Bernardino Meridian, as more fully described in those certain Quitclaim Deeds from The Atchison, Topeka and Santa Fe Railway Company dated September 19, 1989, to said Commission as filed in the Office of the County Recorder of San Diego as Document No. 89-683345 and 89-

683346, respectively, on December 18, 1989, Official Records of San Diego County, being Parcel No. 1, Parcel No. 2, and Parcel No. 3 of said Document No. 89-683345, and Parcel No. 1 of said Document No. 89-683346

Assessor Parcel No. 147-160-08, 147-160-10, 147-350-16, 150-077-22 & 25, 150-263-22 & 23

Parcel E:

That certain real property situated in the City of Oceanside, County of San Diego, State of California, being Lots 3, 4, 5, and 6 of Strand Tract Addition according to Map thereof No. 936 filed in Office of the County Recorder of San Diego County, December 8, 1904, as more particularly described the in that certain that Certain Grant Deed dated December 12, 1989 from David Rorick, Jr., et al, to said Commission as file in the Office of the County Recorder of San Diego as Document No. 89-679564, on December 15, 1989, Official Records of San Diego County

Assessor Parcel No. 147-264-03, 04, 05 & 06

Parcel F:

That certain real property situated in the City of Oceanside, County of San Diego, State of California, being a portion of said Atchison, Topeka and Santa Fe Railway Company's 500 foot wide Oceanside Station Grounds as further described in of that certain Final Order of Condemnation in Superior Court of the State of California for the County of San Diego, North County Branch, Case No. N81201 (Consolidated with N81757-1 dated April 17, 2000, Community Development Commission of the City of Oceanside as Plaintiff and Burlington Northern and Santa Fe Railway Company, et al, as Defendant, as filed in the Office of the County Recorder of San Diego as Document No. 2000-021076, on April 25, 2000, Official Records of San Diego County

Assessor Parcel No. 147-350-22

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO:

CITY CLERK
CITY OF OCEANSIDE
300 NORTH COAST HIGHWAY
OCEANSIDE, CA 92054

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CITY DOCUMENT NO:

A.P.N 143-040-45, 147-020-39, 147-088-02, 147-160-08,
147-160-10, 147-264-03, 147-264-04, 147-264-05,
147-264-06, 147-350-16, 147-350-22, 150-077-22,
150-077-25, 150-263-22 and 150-263-23

NO DOCUMENTARY TRANSFER TAX DUE R&T CODE §11922
FOR BENEFIT OF PUBLIC AGENCY – NO FEES DUE GOV'T CODE §27383

QUITCLAIM DEED

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

CITY OF OCEANSIDE, a California Charter City created by its charter and California Statute,

hereby **REMISES, RELEASES AND QUITCLAIMS** to

THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE OCEANSIDE REDEVELOPMENT AGENCY AND COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF OCEANSIDE, in accordance with California Health and Safety Code Section 34181(a), *et seq.*,

that certain real property situated in the City of Oceanside, County of San Diego, State of California, more particularly described as follows:

SEE LEGAL DESCRIPTION MARKED EXHIBIT "A", CONTAINING PARCELS A THROUGH F, ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

Dated: August 26, 2014

CITY OF OCEANSIDE

By: _____
Jim Wood, Mayor

EXHIBIT "A"

LEGAL DESCRIPTION

Parcel A:

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Assessor Parcel No. 143-040-45

Parcel B:

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Parcel C:

That certain real property situated in the City of Oceanside, County of San Diego, State of California, being the southwesterly 60 feet of Lots 5 and 6 in Block 10 of Oceanside Townsite, according to Map thereof No. 344 filed in the Office of the County Recorder of the County of San Diego County, July 1, 1885, described in that certain Grant Deed dated May 1, 2002 from Edward J. Arthur and Jean M. Arthur, as Trustees of the Arthur Declaration of Trust dated December 29, 1988, to said Commission as filed in the Office of the County Recorder of San Diego as Document No. 2002-0448329, on May 28, 2002, Official Records of San Diego County

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Parcel D:

That certain real property situated in the City of Oceanside, County of San Diego, State of California, being those portions of said Railway Company's 500-wide Oceanside Station Grounds as described in Deed dated February 19, 1887 to California Southern Railroad Company (predecessor in interest to said Railway Company) recorded February 23, 1887, in Book 78 of Deeds, Page 390, Records of said County, together with those portions of said Railway Company's 200-foot wide strip of land as acquired by said Railroad Company under the provisions of the Act of Congress of March 3, 1875 (18 Stat. 482), and as shown on a Map filed in the Office of the Secretary of the Interior, March 14, 1881, as approved May 12, 1881, lying in Sections 22, 26 and 27, Township 11 South, Range 5 West, San Bernardino Meridian, as more fully described in those certain Quitclaim Deeds from The Atchison, Topeka and Santa Fe Railway Company dated September 19, 1989, to said Commission as filed in the Office of the County Recorder of San Diego as Document No. 89-683345 and 89-

683346, respectively, on December 18, 1989, Official Records of San Diego County, being Parcel No. 1, Parcel No. 2, and Parcel No. 3 of said Document No. 89-683345, and Parcel No. 1 of said Document No. 89-683346

Assessor Parcel No. 147-160-08, 147-160-10, 147-350-16, 150-077-22 & 25, 150-263-22 & 23

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Assessor Parcel No. 147-264-03, 04, 05 & 06

Parcel F:

That certain real property situated in the City of Oceanside, County of San Diego, State of California, being a portion of said Atchison, Topeka and Santa Fe Railway Company's 500 foot wide Oceanside Station Grounds as further described in of that certain Final Order of Condemnation in Superior Court of the State of California for the County of San Diego, North County Branch, Case No. N81201 (Consolidated with N81757-1 dated April 17, 2000, Community Development Commission of the City of Oceanside as Plaintiff and Burlington Northern and Santa Fe Railway Company, et al, as Defendant, as filed in the Office of the County Recorder of San Diego as Document No. 2000-021076, on April 25, 2000, Official Records of San Diego County

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AND WHEN RECORDED MAIL TO:

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CITY OF OCEANSIDE
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OCEANSIDE, CA 92054

SPACE ABOVE THIS LINE FOR RECORDER'S USE

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147-160-10, 147-264-03, 147-264-04, 147-264-05,
147-264-06, 147-350-16, 147-350-22, 150-077-22,
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FOR BENEFIT OF PUBLIC AGENCY – NO FEES DUE GOV'T CODE §27383

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SEE LEGAL DESCRIPTION MARKED EXHIBIT "A", CONTAINING PARCELS A THROUGH F, ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE

Dated: August 26, 2014

THE OVERSIGHT BOARD OF THE
SUCCESSOR AGENCY TO THE OCEANSIDE
REDEVELOPMENT AGENCY AND
COMMUNITY DEVELOPMENT COMMISSION
OF THE CITY OF OCEANSIDE

By: _____
Michael Blessing, Chairman

EXHIBIT "A"

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Assessor Parcel No. 147-160-08, 147-160-10, 147-350-16, 150-077-22 & 25, 150-263-22 & 23

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Assessor Parcel No. 147-350-22