RESOLUTION NO. SAR-04-12

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLTON, CALIFORNIA, AS SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY FOR THE CITY OF COLTON, DESIGNATING THE ASSETS AND PROPERTIES OF THE FORMER REDEVELOPMENT AGENCY FOR DISPOSAL PURSUANT TO HEALTH AND SAFETY CODE SECTION 34177(e), AND RECOMMENDING THE DIRECTION OF THE OVERSIGHT BOARD TO TRANSFER THE HOUSING ASSETS TO THE COLTON HOUSING AUTHORITY PURSUANT TO HEALTH AND SAFETY CODE SECTION 34176

WHEREAS, pursuant to Health and Safety Code section 34173(d), the City of Colton ("Successor Agency") is the successor agency to the Redevelopment Agency for the City of Colton ("Agency"), confirmed by City Council Resolution No. R-01-12 adopted on January 11, 2012; and

WHEREAS, pursuant to Health and Safety Code section 34177(e), the Successor Agency is responsible for disposing of assets and properties of the Agency, as directed by the Successor Agency's oversight board ("Oversight Board"), expeditiously and in a manner aimed at maximizing value; and

WHEREAS, the Oversight Board will consider Resolution No. OB-08-12 on July 24, 2012, for adoption, designating the list of the assets and properties of the Agency for disposal attached to this Resolution as Exhibit A; and

WHEREAS, pursuant to Health and Safety Code section 34177(g), the Successor Agency is required to transfer the housing functions and assets to the entity designated pursuant to Health and Safety Code section 34176, in this case, the Colton Housing Authority ("Authority") if approved for transfer by the Oversight Board; and

WHEREAS, on July 24, 2012, the Oversight Board will be presented with and act upon Resolution OB-09-12, directing the transfer of the housing assets to the Authority pursuant to Health and Safety Code sections 34176, 34177 and 34181, attached as Exhibit B to this Resolution, and if approved, will direct the Successor Agency to transfer the assets and functions of the Agency; and

WHEREAS, pursuant to Health and Safety Code section 34181(c), the Successor Agency, if so directed by the Oversight Board, will transfer housing responsibilities and all rights, powers, duties and obligations, including encumbered amounts on deposit in the Housing Fund, to the entity designated pursuant to Health and Safety Code section 34176, attached as Exhibit C to this Resolution.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COLTON, AS THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY FOR THE CITY OF COLTON, DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. **Recitals.** The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. **CEQA Compliance.** The direction to dispose of assets and properties through this Resolution does not commit the Successor Agency to any action that may have a significant effect on the environment. As a result, such action does not constitute a project subject to the requirements of the California Environmental Quality Act. The City Clerk, acting ex officio on behalf of the Successor Agency, is authorized and directed to file a Notice of Exemption with the appropriate official of the County of San Bernardino, California, within five (5) days following the date of adoption of this Resolution.

Section 3. **Disposal of Assets and Properties.** The Successor Agency hereby agrees to the designation of the assets or properties of the Agency as set forth in Oversight Board Resolution OB-08-12 as assets or properties to be disposed of expeditiously and in a manner aimed at maximizing value pursuant to Health and Safety Code section 34177, if approved by the Oversight Board.

Section 4. **Direction to Transfer Housing Assets and Functions.** The Successor Agency hereby agrees to transfer the housing assets set forth in Oversight Board Resolution OB-09-12, along with all rights, powers, liabilities, duties and obligations associated with the housing activities of the Agency, pursuant to Health and Safety Code sections 34176, 34177 and 34181, if directed to do so by the Oversight Board.

Section 5. **Transfer of Encumbered Funds from the Housing Fund.** The Successor Agency hereby agrees to transfer the encumbered balances of the Housing Fund designated for housing obligations provided in the ROPS, all as provided in Exhibit C attached to this Resolution, to the Authority, pursuant to Health and Safety Code section 34181, if approved by the Oversight Board.

Section 6. **Implementation.** The City Manager, acting ex officio on behalf of the Successor Agency, is hereby authorized and directed to take any action necessary to carry out the purposes of this Resolution in compliance with applicable law, including taking any actions necessary to dispose of assets or properties in accordance with the direction of the Oversight Board.

Section 7. **Severability.** If any provision of this Resolution or the application of any such provision to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The Successor Agency declares that the Successor Agency would have adopted this Resolution irrespective of the invalidity of any particular portion of this Resolution.

Section 8. **Certification.** The City Clerk, acting ex officio on behalf of the Successor Agency, shall certify to the adoption of this Resolution.

Section 9. **Effective Date.** This Resolution shall become effective immediately upon its adoption.

APPROVED AND ADOPTED THIS 17th day of July, 2012.

Sarah S. Zamora, Mayor

ATTEST:

Eileen Gomez, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss.
CITY OF COLTON)

I, EILEEN C. GOMEZ, City Clerk of the City of Colton, acting ex officio on behalf of the Successor Agency to the Redevelopment Agency for the City of Colton do hereby certify that the foregoing Resolution No. SAR-04-12 was duly and regularly adopted by the City Council of the City of Colton; at a regular meeting thereof on the 17th day of July, 2012 and that the same was passed and adopted by the following vote, to wit:

AYES: Toro, Gonzales, Yzaguirre, Oliva, Bennett, Perez, and Mayor Zamora

NOES:

ABSENT:

ABSTAIN:

Eileen C. Gomez, City Clerk, CMC