

RESOLUTION NO. ²⁰¹²⁻⁰⁹ _____ (OB)

A RESOLUTION OF THE OVERSIGHT BOARD FOR THE SUCCESSOR AGENCY TO THE FORMER REDEVELOPMENT AGENCY OF THE CITY OF CATHEDRAL CITY DIRECTING THE TRANSFER OF EASEMENTS IN CERTAIN FORMER AGENCY ASSETS TO THE CITY OF CATHEDRAL CITY FOR GENERAL GOVERNMENT PURPOSES IN ACCORD WITH HEALTH & SAFETY CODE SECTION 34181

WHEREAS, in accordance with the provisions of the California Community Redevelopment Law (Health & Safety Code Section 33000, et seq. (“**CRL**”), the City Council of the City of Cathedral City (“**City**”) previously established the Redevelopment Agency of the City of Cathedral City, a public body, corporate and politic (“**Agency**”) to carry out the purposes of and exercise the powers granted to community redevelopment agencies under the CRL; and

WHEREAS, in accord with CRL Section 34172, the Agency was dissolved as of February 1, 2012 and its rights, powers, duties and obligations, other than the Agency’s housing assets and functions, were transferred to a “successor agency” (as defined by CRL Section 34171(j)); and

WHEREAS, in accord with CRL Section 34173, the City is the successor agency (“**Successor Agency**”) to the former Agency and, as such, is vested with all authority, rights, powers, duties and obligations previously vested in the Agency by the CRL, except for the Agency’s housing assets and functions, and except to the extent repealed, restricted or revised pursuant to provision of Assembly Bill x1 26 (“**AB 26**”); and

WHEREAS, in accord with CRL Section 34179, an oversight board (“**Oversight Board**”) for the Successor Agency was formed and exercises the powers given to oversight boards under the CRL; and

WHEREAS, CRL Section 34181(a) requires the Oversight Board to direct the Successor Agency to dispose of all the Agency’s non-housing assets and properties which were acquired using the Agency’s tax increment revenues; and

WHEREAS, under CRL Section 34181(a), the Oversight Board may direct the Successor Agency to transfer interests in or ownership of any Agency property used for a governmental purpose to the appropriate public jurisdiction pursuant to any agreement relating to the construction or use of the property; and

WHEREAS, the Successor Agency, in conjunction with SunLine Transit Agency (“**SunLine**”), a regional provider of public bus services, has identified the need to transfer certain easements (the “**Easements**”) in former Agency assets, now under the jurisdiction of the Successor Agency, to either the City or SunLine for the purposes of relocating two existing bus stops and creating a public transit bus transfer center sufficient for SunLine’s purposes in providing public transportation, a governmental purpose, which easements are depicted on the attached Exhibit A;

WHEREAS, there are no existing agreements governing the disposition of said easements, and such easements are typically provided by the City without charge as assisting in the transit needs of its residents; and

WHEREAS, as of the date of this resolution it is not certain as to whether the Easements should be in the name of the City or the name of SunLine; and

WHEREAS, as of the date of this resolution exact legal descriptions for the Easements have not yet been developed; and

WHEREAS, in accord with CRL Section 34181(a), the Oversight Board, desires to direct the Successor Agency to transfer ownership of the Easements to the City as the appropriate public agency, with the right granted to the City to transfer the Easements to SunLine if necessary.

NOW, THEREFORE, BE IT RESOLVED BY THE OVERSIGHT BOARD FOR THE SUCCESSOR AGENCY TO THE FORMER REDEVELOPMENT AGENCY OF THE CITY OF CATHEDRAL CITY AS FOLLOWS:

Section 1. Based on the oral and written evidence presented to the Oversight Board at the time of its consideration of this Resolution, the Oversight Board finds and determines as follows.

- (1) The Easements are to be used for governmental purposes.
- (2) The City of Cathedral City is the appropriate public jurisdiction to assume ownership of the Easements, with the right to transfer the Easements to SunLine if circumstances should require it.
- (3) There are no agreements between the Agency, or the Successor Agency, and the City governing the disposition of the Easements or the compensation to be paid for them.
- (4) The Easements may be transferred by the Successor Agency to the City with appropriate language permitting their use for the purposes stated hereinabove or such other public purposes as may ultimately become necessary or desirable.
- (5) Legal descriptions for the Easements have not yet been created as the final design of the new SunLine facilities is not yet completed.

Section 2. In accord with CRL Section 34181(a), the Oversight Board directs the Successor Agency to transfer ownership of the Easements to the City for no consideration, for the purposes set forth above. The Oversight Board further directs the Successor Agency and its officials to take the actions and to execute the deeds and other instruments required to carry out the transfer. The Board authorizes the Successor Agency to utilize legal descriptions created subsequent to the date of this Resolution as design and other development factors are completed, provided that such legal descriptions are substantially within the areas identified in Exhibit A hereto. No authority is

granted by this resolution to transfer title to the former Agency assets from which the Easements are to be created, but only to transfer the Easements in said assets.

Section 3. This Resolution will become effective in accord with CRL Section 34179(h).

The foregoing Resolution was duly and regularly adopted at a regular meeting of the Oversight Board to the Successor Agency of the Redevelopment Agency of Cathedral City held on June 28, 2012 by the following vote:

AYES: De ROSA, ELLIS, HENRY, SCOTT, HOWELL, ENGLAND

NOES:

ABSENT: 1 - AGUILAR

ABSTAIN:

APPROVED:

David S. Bomley
City Manager of Successor Agency on
Behalf of the Oversight Board

David J. De Rosa
CHAIR

ATTEST:

[Signature]
Oversight Board Secretary

EXHIBIT A

EAST PALM CANYON DR

VAN FLEET AVE

B ST

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687199002

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