

**Oversight Board to the
Successor Agency to the
Agoura Hills Redevelopment Agency**

*Office of the Agency Secretary
30001 Ladyface Court
Agoura Hills, CA 91301*

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF AGOURA HILLS)

I, Kimberly M. Rodrigues, Secretary of the Successor Agency to the Agoura Hills Redevelopment Agency, do hereby certify that the attached nineteen (19) pages of **Resolution No. OB13-20**; *A Resolution of the Oversight Board of The Successor Agency to the Agoura Hills Redevelopment Agency Approving the Long-Range Property Management Plan as Required under Health and Safety Code Section 3419.5, and Authorizing the Successor Agency to Submit it to the Department of Finance for Final Approval Pending the Receipt of a Finding of Compliance*, are a full, true and correct copy of the resolution adopted by the Oversight Board at its Regular Meeting held at 10:00 a.m., on Thursday, May 9, 2013, and is an exact copy of the resolution on file and of record in the office of the Agency Secretary.



Kimberly M. Rodrigues
Agency Secretary

Dated: May 9, 2013

RESOLUTION NO. OB13-20

A RESOLUTION OF THE OVERSIGHT BOARD TO THE SUCCESSOR AGENCY TO THE AGOURA HILLS REDEVELOPMENT AGENCY APPROVING THE LONG-RANGE PROPERTY MANAGEMENT PLAN AS REQUIRED UNDER HEALTH AND SAFETY CODE SECTION 34191.5, AND AUTHORIZING THE SUCCESSOR AGENCY TO SUBMIT IT TO THE DEPARTMENT OF FINANCE FOR FINAL APPROVAL PENDING THE RECEIPT OF A FINDING OF COMPLIANCE

RECITALS:

WHEREAS, the California state legislature enacted Assembly Bill X1 26 (the Dissolution Act”) to dissolve Redevelopment Agencies formed under the Community Redevelopment Law (Health and Safety Code Section 33000 et.seq.); and

WHEREAS, pursuant to Health and Safety Code Section 34175(b) and the California Supreme Court’s decision in *California Redevelopment Association, et al. v. Ana Matosantos, et al.* (53 Cal.4th 231(2011)), on February 1, 2012, all assets, properties, contracts, leases, books and records, buildings, and equipment of the former Agoura Hills Redevelopment Agency (the “Agency”) transferred to the control of the Successor Agency to the Agoura Hills Redevelopment Agency (the “Successor Agency”) by operation of law.

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

WHEREAS, in accordance with Health and Safety Code Section 34191.5, the Successor Agency has prepared a Long-Range Property Management Plan that provides for the disposition and use of real property assets of the Former Redevelopment Agency; and

WHEREAS, pursuant to Health and Safety Code Section 34191.5(b), the Successor Agency must submit the Long-Range Property Management Plan to the Oversight Board and the California Department of Finance (the “DOF”); and

WHEREAS, pursuant to Health and Safety Code Section 34191.3, once approved by the Oversight Board and the DOF, the Long-Range Property Management Plan will govern, and supersede all other provisions relating to, the disposition and use of the real property assets of the Former Redevelopment Agency; and

WHEREAS, as of the date of the adoption of this Resolution, the Successor Agency : (1) has submitted to the DOF for its review, the reports required pursuant to Health and Safety Code Section 34179.5; (2) has made payments for amounts due under Health and Safety Code Section 34183.5; and (3) has made or stands ready to make the payment for amounts determined to be due under Health and Safety Code Section 34179.6 (d) and (e); but has not yet received a finding of completion from the DOF pursuant to Health and Safety Code Section 34179.7; and

WHEREAS, the Successor Agency's implementation of the Long-Range Property Management Plan, in a manner consistent with the Dissolution Act and AB 1484, will effectuate the dissolution of the Former Redevelopment Agency by liquidating its former property in a manner aimed at maximizing value for the benefit of the taxing entities; and

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

NOW, THEREFORE, THE OVERSIGHT BOARD TO THE SUCCESSOR AGENCY TO THE AGOURA HILLS REDEVELOPMENT AGENCY HEREBY FINDS, DETERMINES, RESOLVES, AND ORDERS AS FOLLOWS:

Section 1. The above recitals are true and correct and are a substantive part of this Resolution.

Section 2. The Oversight Board hereby finds and determines that the Long-Range Property Management Plan is created in accordance with Health and Safety Code Section 34191.5(b), and is subject only to the DOF's issuance of a finding of completion to the Successor Agency, pursuant to Health and Safety Code Section 34179.7.

Section 3. The Successor Agency is hereby authorized and directed to complete and submit the Long-Range Property Management Plan, with such changes therein as the officer executing the document may require or approve.

Section 4. The Successor Agency, as necessary, implement the disposition and use of the real property assets of the Former Redevelopment Agency in accordance with the terms approved in the Long-Range Property Management Plan and this Resolution.

Section 5. The staff of the Successor Agency is hereby directed to provide DOF written notice and information regarding the action taken by the Oversight Board pursuant to this Resolution. Such notice and information shall be provided by electronic means and in a manner of DOF's choosing.

Section 6. The staff and the Board of the Successor Agency are hereby authorized and directed, jointly and severally, to execute such documents and instruments and to do any and all other things which they may deem necessary or advisable to effectuate this Resolution.

Section 7. This Resolution shall take effect at the time and in the manner prescribed in Health and Safety Code Section 34179(h).

PASSED, APPROVED, AND ADOPTED this 9th day of May, 2013, by the following vote to wit:

AYES: (4) Kimmel, Ramirez, Kamenir Siegel, Weber
NOES: (0)
ABSENT: (3) Burke-Kelly, Funk, Yokomizo
ABSTAIN: (0)



Denis Weber, Chair

ATTEST:



Kimberly M. Rodrigues, Agency Secretary

EXHIBIT A

**LONG-RANGE PROPERTY MANAGEMENT PLAN
(see attached)**

LONG-RANGE PROPERTY MANAGEMENT PLAN

CREATED FOR THE SUCCESSOR AGENCY TO THE AGOURA HILLS REDEVELOPMENT AGENCY

Background and Purpose of Plan

The Long-Range Property Management Plan (the "Plan") has been prepared by the Successor Agency ("Successor Agency") to the Agoura Hills Redevelopment Agency (the "Former Redevelopment Agency") in accordance with California Health and Safety Code Section 34191.5.

With the passage of ABx1 26, the Former Redevelopment Agency was dissolved as of February 1, 2012 and the only real property of the Former Redevelopment Agency (the "Property", as further described in this Plan) was transferred on that date to the Successor Agency. The Successor Agency is now responsible for disposition of the Property in accordance with the procedures and requirements of ABx1 26 and AB 1484, the statutes that govern the dissolution of the former Redevelopment Agency and the liquidation of its former property. The contents of this Plan consist of an inventory related to the Property, and proposed plan for disposition of the Property, consistent with Health and Safety Code Section 34191.5(c).

This plan is required to be presented for consideration of approval by the Oversight Board to the Successor Agency (the "Oversight Board") that was established pursuant to the Redevelopment dissolution statutes. If approved by the Oversight Board, the Plan will then be transmitted to the California Department of Finance (the "DOF") for its approval.

The Plan will become effective upon the occurrence of all of the following: (A) approval of the Plan by the Oversight Board; (B) approval of the Plan by the DOF; and (3) issuance of a Finding of Completion by DOF to the Successor Agency in accordance with the Health and Safety Code Section 34179.7.

Inventory of Property

Following is required information related to the Property, which constitutes the only real property transferred from the Former Redevelopment Agency and owned by the Successor Agency. This inventory is organized in a manner that addresses the specific subsections listed in the Health and Safety Code Section 34191.5(c)(1).

- (A) **Acquisition Information** – The Property was acquired by the Former Redevelopment Agency on May 28, 2008. The purchase price paid for the Property, which represented its value at the time of purchase, was \$4,100,000.00. The estimated current value of the Property is \$ _____, as further explained in Item (D) below.

- (B) Purpose of Acquisition – The Property was purchased for the following purpose: development of parcel located in Redevelopment Project area in order to negotiate an agreement for the exchange of a separate parcel of land in a mixed-use specific plan area.
- (C) Parcel Data – The Property consists of a 4.66 acre vacant/undeveloped parcel located on the North side Canwood Street, North of the US 101 Ventura Freeway. It is positioned centrally between Kanan Road to the West and Chesebro Road to the East. The property is located within the incorporated boundaries and jurisdiction of the City of Agoura Hills. The Property is designated as Los Angeles County Assessor's Parcel No. 2048-012-091 (previously 2048-012-025 prior to ownership by a government agency) and has a street address 28661 Canwood Street, Agoura Hills, California 91301. The attached Exhibit A, which is incorporated in this Plan by this reference, is a map showing the location of the property. The City's General Plan designation for the Property is BP-M-FC (Business Park-Manufacturing-Freeway Corridor). The Property is surrounded on both ends by parcels that have entitlements to develop into Business Parks and are owned by the same individual but listed as separate LLC.
- (D) Current Value – The estimated current value of the Property is \$_____. This valuation is based on an appraisal commissioned by the Successor Agency as of _____, 2013 prepared by Riggs & Riggs, Inc. A copy of the current appraisal is attached as Exhibit B, which is incorporated in this Plan by this reference.
- (E) Revenues Generated by the Property; Contractual Requirements – The Property does not generate any lease, rental, or other revenue. The only contractual requirement(s) related to the disposition of the Property are that several public improvements were agreed to be designed and constructed by the adjacent property owner as part of a recorded Development Agreement with Agoura Business Center West, LLC, (ABC West) and Agoura Business Center North, LLC (ABC North). The specific improvements are listed in Section 4 of the agreement (beginning on page 14) and the relevant portion of the agreement is attached hereto as Exhibit C. In addition, ABC West and ABC North have the right to access the Property during the construction of their sites to reduce the amount of construction vehicular movement on the public streets.
- (F) Environmental Contamination and Remediation – A Phase I Environmental Site Assessment was conducted by Odic Environmental on April 26, 2008. Although no contamination was found on the Property, a Phase II Environmental Site was conducted as there was a reported contamination at a property southerly from the Property location. The Phase II assessment was completed by Odic Environmental on

June 16, 2008, which showed no contamination or hazardous materials concerns. To the Successor Agency's knowledge, the Property does not have any environmental contamination or remediation efforts.

- (G) Potential For Transit-Oriented Development and Advancement of Planning Objectives – Due to its location on a street where there is no mass-transit connections or in the direct vicinity, its land-locked nature, and its zoning, the Property has no known potential for transit-oriented development or advancement of planning objectives of the Successor Agency.
- (H) History of Development Proposals and Activity – On several occasions, self-storage developers have investigated the opportunity of designing and constructing a self-storage facility but require either a Conditional Use Permit or a rezoning of the site. There are no active applications or proposals to pursue this at the time of the Plan being completed.

Proposed Disposition of Property

The Property is not used or needed for a governmental purpose or to satisfy any enforceable obligation of the Former Redevelopment Agency. Further, for the reasons described above, the Property is not needed to implement a project identified in an approved redevelopment plan.

Due to the land-locked nature of the Property, Successor Agency staff has determined that the owner of the land that surrounds, on both sides of the Property is the only potential buyer that would consider purchasing the Property for a value near the appraised value.

As a result, the Plan directs that the Property be liquidated and sold for its appraised value, and that the proceeds of the sale be distributed as property taxes to the affected taxing entities, in accordance with the terms of Health and Safety Code Section 34191.5(c)(2)(B).

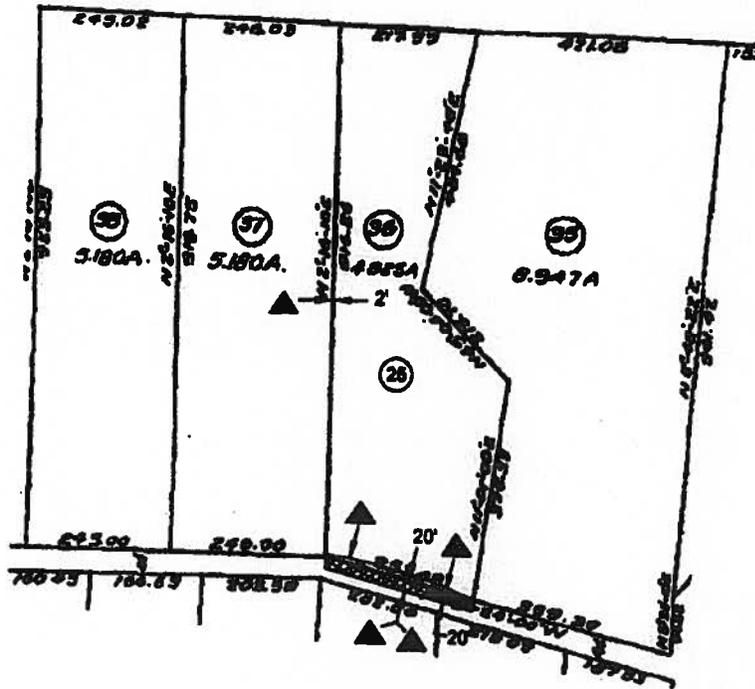
Identification of Governmental Purpose and Enforceable Obligation Priorities

There are no properties owned by the Successor Agency that are proposed for governmental use purposes or that are needed to fulfill an enforceable obligation.

EXHIBIT A

POR. RANCHO LAS VIRGENES

2048-12



08/07/1887#1212-14... [Not Plottable]
(Roads, Creek...)

▲ 05/22/1824#3423-147(08/17/1824#4036-167)
(Right of Way For Road)

▲ 12/24/1828#4631-380
(Road)

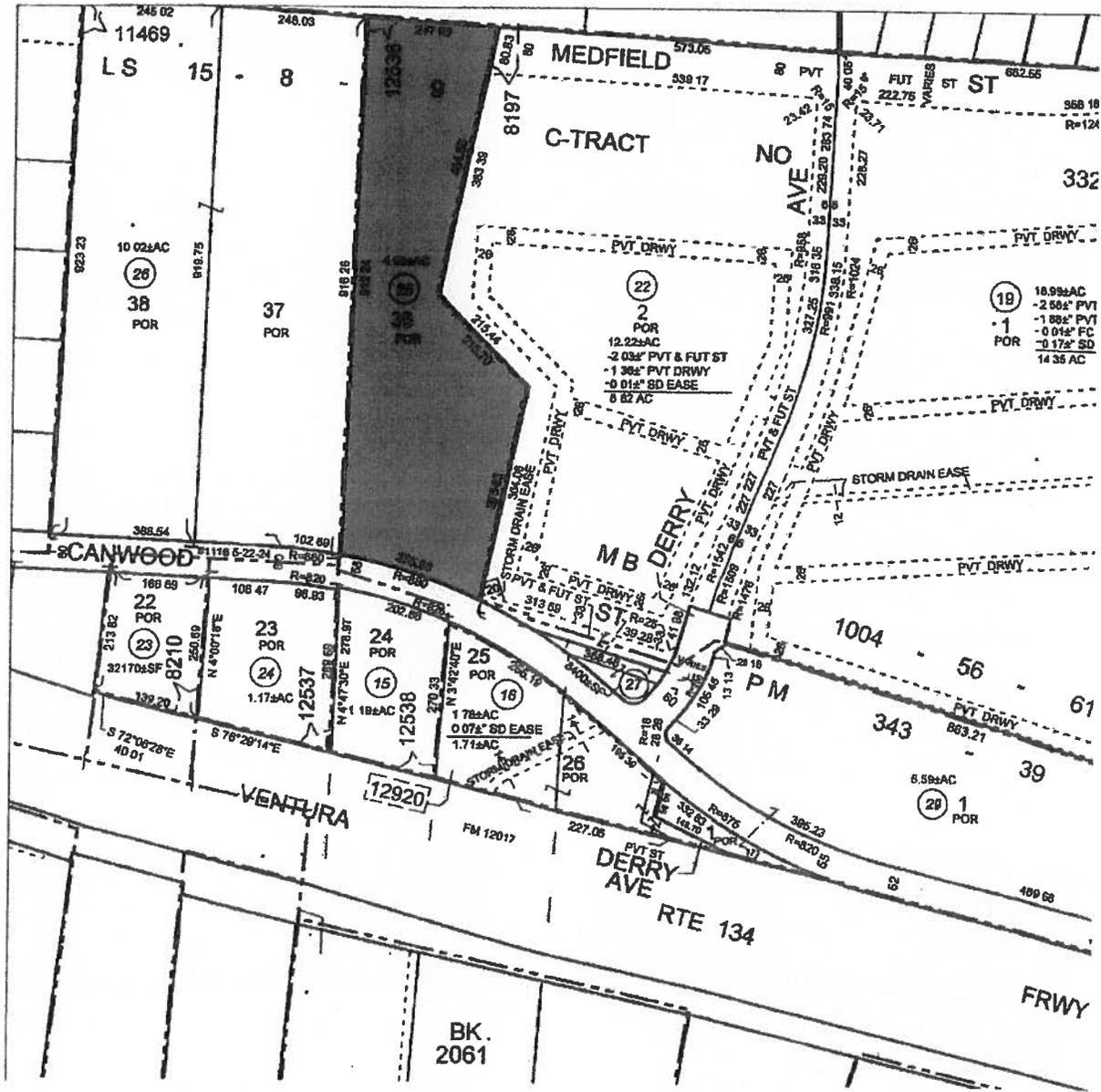
▲ 09/04/1836#14381-201
(Pole Line & Incidental)

▲ 01/08/1881#7217
(Public Utilities & Incidental)

▲ 07/01/1893#1267970
(Public Road, Highway & Incidental)

Tax ID#2048-012-025
Map not to scale

Canwood Agoura Hills



Assessor's Parcel Map
APN 2048-012-025

NAI Capital

Commercial Real Estate Services, Worldwide.

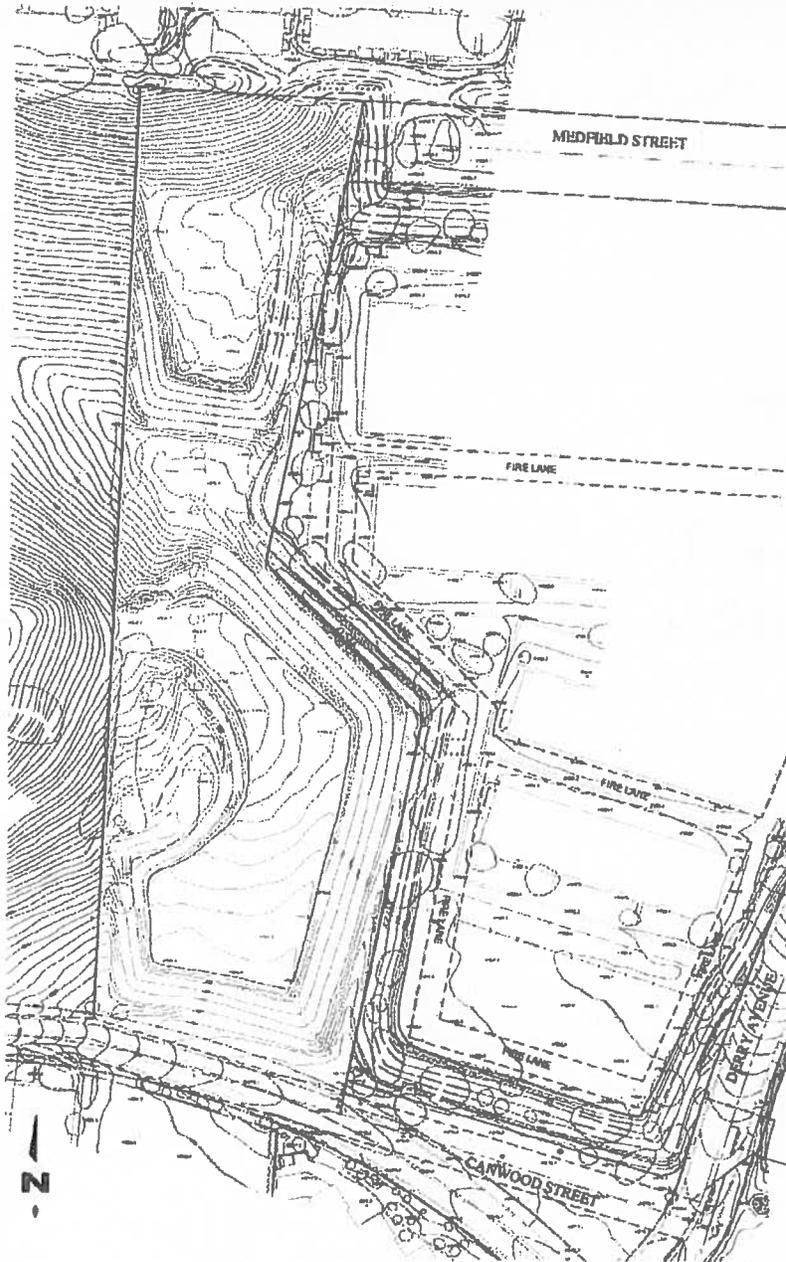
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Jack Dwyer
Senior Vice President
jdwyer@naicapital.com

2555 Townsgate Road, Suite 320
Westlake Village CA 91361
tel 818 865 1200 ■ 805 446 2400
fax 805 446 2401

Canwood Agoura Hills



Topographic Map
(Contours Every Five Feet)

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Canwood Agoura Hills



Aerial View
One Mile Radius

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EXHIBIT B

**Future attachment – Property
Appraisal**

EXHIBIT C

Projects as may be required for the development of, or provision of services to, the Projects. City shall cooperate with ABC West and ABC North in their endeavors to obtain such permits. To the extent that City, the Council, the Planning Commission or any other board, agency or commission of City constitutes and sits as any other board, agency or commission, committee, or department, it shall not take any action that conflicts with City's obligations under this Agreement.

(4) **Legal Challenges.** In the event of a legal action instituted by a third party or other governmental entity or official challenging the validity of this Agreement or any provision hereof or the granting of any of the Project Approvals or the terms thereof, the Parties shall affirmatively cooperate with one another in defending said action. If litigation is filed contesting the validity of this Agreement or the right of ABC West or ABC North to construct their respective Projects in accordance with the provisions of this Agreement or the granting of any Project Approvals or the terms thereof, City, as well as ABC West or ABC North, shall be entitled to appear and to defend against the allegations made in such litigation provided that ABC West or ABC North, pursuant to the Conditions of Approval, shall reimburse City for all of its expenditures actually incurred and supported by receipts in the defense of such litigation, including, but not limited to, City's reasonable attorneys' fees, so long as there is no settlement thereof without ABC West's or ABC's North's consent, which consent shall not be unreasonably withheld. City shall cooperate with ABC West's or ABC North's defense of any such litigation, and shall make its records (other than documents privileged from disclosure) and personnel available to ABC West's or ABC North's counsel as may be reasonably requested in connection with such litigation.

Section 4. Redevelopment Agency Owned Property

(a) ABC West and ABC North (collectively "ABC") shall do all of the following, at its sole cost, with respect to the Redevelopment Agency Owned Property:

(1) Install a reclaimed water line stubbed at the property line to serve the Redevelopment Agency Owned Property as shown on Exhibit "G."

(2) Install a water line stubbed at the property line to serve the Redevelopment Agency Owned Property as shown on Exhibit "G."

(3) Install an 18" flared inlet with concentric apron and an 18" storm drain pipe as shown on Exhibit "G."

(4) Install a 24" storm drain and manhole pursuant to MTD 1840 (privately maintained) as shown on Exhibit "G."

(5) Install a hydrant to serve the Redevelopment Agency Owned Property and install a ten inch fire water line stubbed at the property line to serve the Redevelopment Agency Owned Property as shown on Exhibit "G."

(6) Install conduits for future underground utilities such as electricity, gas, phone and cable television installed by others stubbed out at the property line into hand hole to serve the Redevelopment Agency Owned Property as shown on Exhibit "G."

(7) Install street lights as shown on Exhibit "G."

(8) Construct street, sidewalk, curb and gutters, and six three inch conduit crossings under the sidewalk, for future irrigation installed by others, at designated locations as shown on Exhibit "G."

(9) ABC shall commence the installation of the improvements shown on Exhibit "G" within two years of the Effective Date and shall diligently pursue them until completion.

All of the improvements shown on Exhibit "G" shall be subject to the City Engineer's approval, such approval not to be unreasonably withheld.

(b) Limitations on ABC's Responsibilities with Respect to Providing Improvements to Serve the Redevelopment Agency Owned Property.

(1) ABC shall not be responsible for dewatering of any kind during the infrastructure improvement process.

(2) Prior to the commencement of grading on either the business center Property or the industrial center Property, ABC shall have the absolute right, but not the obligation, to terminate this Agreement if the ABC determines, in its sole discretion, ~~that the total cost to provide the improvements shown on Exhibit "G" will exceed \$250,000~~. If ABC makes that determination, and if it decides, in its sole discretion that it will terminate this Agreement, it shall immediately notify the City in writing of its decision. Upon receipt of that decision by the City, no Party to this Agreement shall thereafter have any rights or obligations under this Agreement.

(3) ABC shall complete any improvement shown on Exhibit "G" if, at the time ABC terminates this Agreement, ABC has commenced construction of that improvement.

(4) Once grading has commenced on either the business center Property or the industrial center Property, ABC shall have no right to terminate this Agreement.

(c) City Responsibilities with Respect to the Redevelopment Agency Owned Property.

(1) The City shall waive all Processing Fees and inspection fees which would otherwise be due in connection with the provision of the improvements shown on Exhibit "G."

~~(2)~~ The City shall defend, indemnify and hold ABC West and ABC North and its agents and employees harmless from any claims, demands, liabilities, costs, including attorneys' fees incurred by ABC West and ABC North, arising out of, or connected to, the provision of improvements to serve the Redevelopment Agency Owned Property once the work is completed and the City has inspected, approved and accepted the improvements.

Section 5. Warranties

(a) City Warranties. City hereby warrants to ABC West and ABC North as follows:

(1) **Entitlement to Develop.** City has the authority to permit ABC West and ABC North to develop their respective Projects, subject to, and in accordance with: (a) the Mitigated Negative Declarations; (b) the Applicable Rules; (c) the Project Approvals, and Conditions of Approval thereon; and (d) the terms and conditions of this Agreement, and, based upon all the information made available to City prior to or concurrently with the execution of this Agreement, there are no Applicable Rules that would prohibit or prevent the full completion and occupancy of the Projects in accordance with the uses, densities, heights, and terms of development incorporated and agreed to herein.

(2) **Consistency with General Plan.** The Projects are consistent with the General Plan and the Project Approvals lawfully authorize the construction and use of the Projects.

(3) **Authority to Enter Agreement.** The City has the legal authority to enter into and implement this Agreement.

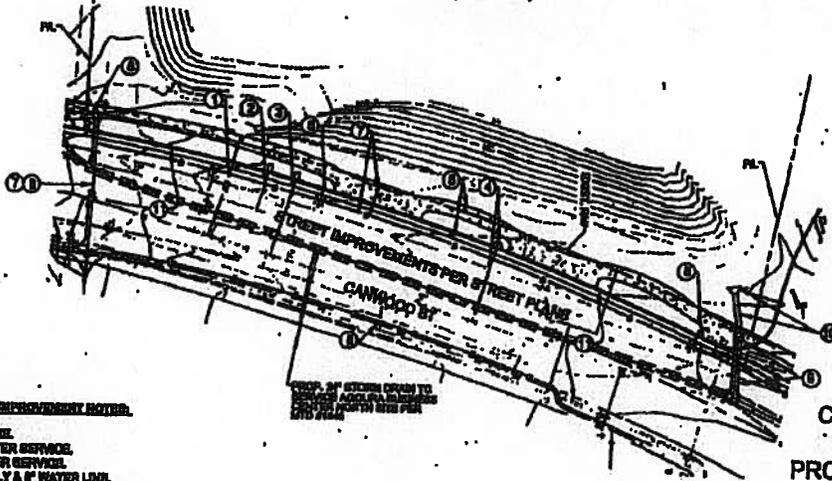
Section 6. Changes in Applicable Rules.

(a) Non-application of Changes in Applicable Rules. The adoption of any Subsequent Land Use Regulations after the Effective Date of this Agreement, or any change in, or addition to, the Applicable Rules, including, without limitation, any changes in the General Plan or the Zoning Regulations (including any regulation relating to the timing, sequencing, or phasing of the Projects or construction of all or any part of the Projects) or the imposition of any new fee or exaction (except for the increases in the Developer Fees as provided for in this Agreement), adopted or becoming operative after the Effective Date of this Agreement, including, without limitation, any such change by

28721 CANWOOD ST
AGOURA BUSINESS
CENTER NORTH

28881 CANWOOD ST
(VACANT)

28831 CANWOOD ST
AGOURA BUSINESS
CENTER WEST



CITY OF AGOURA HILLS
28881 CANWOOD ST
PROPERTY IMPROVEMENTS
EXHIBIT "G"

CITY OF AGOURA HILLS IMPROVEMENT NOTES:

- ① 10" FIRE WATER LINE.
- ② 2" RECLAIMED WATER SERVICE.
- ③ 2" DOMESTIC WATER SERVICE.
- ④ HYDRANT ASSEMBLY & 1" WATER LINE.
- ⑤ SEWERALK, CURBS & GUTTER IMPROVEMENTS.
- ⑥ STREET LIGHTS.
- ⑦ GAS LINE WITH STUBOUT TO A HANDBOLE AT FL.
- ⑧ AT&T, TIME WARNER, DSL SERVICE WITH STUBOUTS TO A HANDBOLE AT FL.
- ⑨ 24" STORM DRAIN & MAN PER MTD 1842 (PRIVATELY MAINTAINED).
- ⑩ 12" FLARED SILET WITH CONC. APRON & 10" STORM DRAIN PIPE (FRONTIETLY MAINTAINED).
- ⑪ CURB & GUTTER, STREET A.G. OVERLAY & STRIPING (INCLUDES OF CONTR. STORAGE LANS) PER APPROVED STREET PLANS.

PROP. ST. STORM DRAIN TO
SERVE AGOURA BUSINESS
CENTER NORTH PER
MTD 1842

PREPARED FOR:

AGOURA BUSINESS CENTER NORTH &
AGOURA BUSINESS CENTER WEST
2804 CENURY AVENUE, AGOURA HILLS, CA 91301
ATTN: BETTY TREIBL
PH: (915) 880-2822

PREPARED BY: ID #Pec.City/01

WESTLAND CIVIL, INC.
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12/22/2012

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