

RESOLUTION NO. OSB 14-13

**RESOLUTION OF THE OVERSIGHT BOARD
OF THE
WINDSOR REDEVELOPMENT SUCCESSOR AGENCY**

**APPROVING THE LONG RANGE PROPERTY MANAGEMENT PLAN PURSUANT TO
HEALTH AND SAFETY CODE SECTION 34191.5**

WHEREAS, on December 29, 2011, the California Supreme Court issued its final decision in *California Redevelopment Association v. Matosantos*, upholding Assembly Bill x1 26 (codified as Health and Safety Code §34161-34191) ("ABx1 26") and invalidating Assembly Bill x1 27 (the legislation that would have permitted redevelopment agencies to continue operation if their sponsoring jurisdiction agreed to make certain payments for the benefit of schools and special districts); and as a result, all California redevelopment agencies were dissolved, effective February 1, 2012; and

WHEREAS, pursuant to Health and Safety Code §34173(d), on January 11, 2012, by Resolution No. 2869-12, the Town Council of the Town of Windsor elected to become the successor agency to the Redevelopment Agency of the Town of Windsor ("Agency"); and

WHEREAS, Assembly Bill x1 26 was modified by Assembly Bill 1484, enacted on June 27, 2012; and

WHEREAS, as of February 1, 2012, the Agency was dissolved pursuant to the Dissolution Act; and

WHEREAS, pursuant to Assembly Bill 1484, enacted on June 27, 2012, on August 1, 2012, by Resolution No. 2942-12, the Town Council of the Town of Windsor acknowledged the separate legal existence of the Windsor Redevelopment Successor Agency ("Successor Agency"); and

WHEREAS, Health and Safety Code §34191.5(b) requires the Successor Agency to prepare a Long Range Property Management plan ("Plan") to address the disposition and use of the real property of the former Windsor Redevelopment Agency; and

WHEREAS, Health and Safety Code §34191.5(c)(1) requires the Successor Agency to include an inventory of such real property detailing each property that was owned by Windsor Redevelopment Agency when it was dissolved; and

WHEREAS, the former Windsor Redevelopment Agency owned one property when it was dissolved, and such properties are now controlled by the Successor Agency, which has prepared a proposed Long Range Property Management Plan. A copy of the Plan is attached to this Resolution as Exhibit "A"; and

WHEREAS, the Plan must be reviewed and approved by the Oversight Board of the Successor Agency and the State Department of Finance before any potential real estate transaction can occur; and

WHEREAS, the Successor Agency has received, reviewed and considered the Long Range Property Management Plan, and considered all written and oral staff reports and all written and oral public comments relating to the Plan; and

WHEREAS, the Successor Agency finds that the Plan was prepared in accordance with the requirements of Health and Safety Code §34191.5.

NOW, THEREFORE, BE IT RESOLVED that the Oversight Board of the Windsor Redevelopment Successor Agency, hereby finds and determines:

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 approval of the Long Range Property Management Plan through this Resolution does not commit the Successor Agency to any action that may have a significant effect on the environment. As a result, it does not constitute a project subject to the requirements of the California Environmental Quality Act in that pursuant to CEQA Guidelines §15061(b)(3), it is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment; and where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Section 3. Approval of Long Range Property Management Plan. The Oversight Board hereby approves the Long Range Property Management Plan, in substantially the form attached to this Resolution as Exhibit A, as required by Health and Safety Code §34191.5, provided that prior to approving the form of the transfer of title, the Board shall comply with Health and Safety Code §34181 (f).

Section 4. Transmittal of Long Range Property Management Plan. The Chair or her designee, on behalf of the Oversight Board, and the Executive Director or her designee, on behalf of the Successor Agency, are hereby authorized and directed to undertake any actions as are necessary to carry out the purposes of this Resolution.

Section 5. Effectiveness. This Resolution shall take effect immediately upon its adoption.

PASSED, APPROVED AND ADOPTED this 17th day of October, 2013.

AYES: MEMBERS BERGMAN, HERRINGTON, LAWRENCE, LEASURE, NELSON, ROBERTS AND CHAIR FUDGE

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE


DEBORA FUDGE, CHAIR

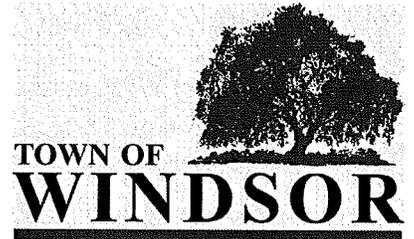
ATTEST:


MARIA DE LA O, SECRETARY

**Attachment:
Exhibit A – Long Range Property Management Plan**

Exhibit "A"

LONG-RANGE PROPERTY
MANAGEMENT PLAN



Successor Agency
to the Windsor Redevelopment Agency

October 10, 2013

INTRODUCTION

Assembly Bill (“AB”) 1484, enacted in June of 2012, requires all successor agencies for former redevelopment agencies that owned property as of the time of redevelopment dissolution in 2011 to prepare a Long Range Property Management Plan (“LRPMP”). The LRPMP governs the disposition and use of property held by the former redevelopment agency pursuant to legal requirements, as detailed in the next section.

This is the Long Range Property Management Plan for the Successor Agency to the Windsor Redevelopment Agency (“Successor Agency”).

EXECUTIVE SUMMARY

The former Windsor Redevelopment Agency (“Agency”) is the owner of record on the title for 1 property in the Town of Windsor. The single property consists of a single lot totaling approximately 7,400 square feet that has been converted to a public street. The Sonoma County Assessor Record for the property identifies the site address as 269 Windsor River Road (Assessor Parcel Number 164-010-044-000). This property is proposed to be transferred to the Town in order to continue the existing governmental use serving the Town.

STATEMENT OF LEGAL REQUIREMENTS

The LRPMP addresses the disposition and use of the real properties of the former redevelopment agency. AB 1484 requires that the LRPMP include all of the following components:

1. Inventory of all properties in the Community Redevelopment Property Trust Fund (“Trust Fund”), established to serve as the repository of the former redevelopment agency’s real properties.

This inventory shall consist of all of the following information:

- a. **Date of acquisition** of the property and the value of the property at that time, and an estimate of the current value of the property.
- b. **Purpose** for which the property was acquired.
- c. **Parcel data**, including address, lot size, and current zoning in the former redevelopment agency redevelopment plan or specific, community, or general plan.
- d. **Estimate of the current value** of the parcel including, if available, any appraisal information.
- e. **Estimate of any lease, rental, or any other revenues** generated by the property, and a description of the contractual requirements for the disposition of those funds.
- f. **History of environmental contamination**, including designation as a brownfield site, and related environmental studies, and history of any remediation efforts.

- g. Description of the **property's potential for transit-oriented development and the advancement of the planning objectives** of the successor agency
- h. Brief history of **previous development proposals** and activity, including the rental or lease of property.

2. Address the use or disposition of all the properties in the Trust Fund. Permissible uses include:

- a. **Retention for governmental use** pursuant to subdivision (a) of Section 34181;
- b. **Retention for future development;**
- c. **Sale** of the property; or
- d. **Use of property to fulfill an enforceable obligation.**

3. Separately identify and list properties in the Trust Fund dedicated to governmental use purposes and properties retained for purposes of fulfilling an enforceable obligation. With respect to the use or disposition of all other properties, all the following shall apply:

- a. If the plan directs the use or liquidation of the property for a project identified in an approved redevelopment plan, the property shall transfer to the city, county, or city and county.
- b. If the plan directs the liquidation of the property or the use of revenues generated from the property, such as lease or parking revenues, for any purpose other than to fulfill an enforceable obligation or other than that specified in subsection 3(a) above, the proceeds from the sale shall be distributed as property tax to the taxing entities.
- c. Property shall not be transferred to a successor agency, city, county, or city and county, unless the PMP has been approved by the oversight board and DOF.

RETENTION OF PROPERTY FOR GOVERNMENTAL USE/PURPOSE

The property listed below is proposed to be transferred to the Town of Windsor pursuant to Health and Safety Code Section 34181 (a) that allows properties of a former redevelopment agency to be transferred to a public jurisdiction (in this case, the Town of Windsor). A description of the property, including the legally required information, aerial maps, and photographs, are presented in this section.

Pursuant to the requirements of 34191.5(c) of the Health and Safety Code, the following characteristics apply to the property listed under “Retention of Properties for Governmental Use”:

Date of Estimated Current Value: October 2013.

Purpose of Acquisition: The property was acquired in 2001 in order to provide for needed public facilities (public roads) in Old Downtown in the Town of Windsor.

Estimate of Income Revenue: The property is a public street. There is no income revenue.

Contractual Requirements for Use of Income/Revenue: Not applicable due to no income revenue.

History of Environmental Contamination, Studies, and/or Remediation, and Designation as a Brownfield Site: None/not applicable.

Description of Property’s Potential for Transit Oriented Development: None/not applicable.

History of Previous Development Proposals: None / not applicable.

The remainder of the information required by Health and Safety Code Section 34191.5(c) is provided below and in Attachment 1 for the one (1) each property under the “Retention for Governmental Use” category.

269 WINDSOR RIVER ROAD (HONSA AVENUE)

Address: 269 Windsor River Road

APN: 164-010-044

Lot Size: 7,405 square feet

Acquisition Date: 08/30/2001

Value at Time of Purchase: \$225,000

Property Type (DOF Category) Public Street

Property Type (City Proposed) Transfer to Town for Public Purposes (Public Street)

Current Zoning: P-PF Public Facilities

Estimated Current Value: No Value. The property is a public street.

Advancement of Planning Objectives:

The Downtown Plan, adopted in November 1997, recommended creating an entry to the Town Green from Windsor River Road in the area of the Property. The vision of the Downtown Plan was to provide vehicle and pedestrian access between Windsor River Road and McClelland Drive, adjacent to the Town Green. In addition to the Downtown Plan, the Redevelopment Agency's goals and objectives included in the Redevelopment Plan as well as the first and second Implementation Plans guided the Redevelopment Agency's activities in terms of the subject property. The following goals and objectives guided the acquisition and development of a public road on the 269 Windsor River Road property.

Redevelopment Goals

1) Revitalize Windsor's historic downtown so that it may become an efficient and attractive center for commercial, residential, tourist, and office activity to serve a growing community.

Redevelopment Objectives

Pursuant to meeting these Plan goals, the new Five-Year Implementation Plan to be adopted in 2005 establishes operational goals and objectives to be addressed during the next five years. The specific objectives are as follows:

- Enhance the efficiency, safety, and appearance of Windsor River Road, so that it may serve as the main street and focal point of a revitalized downtown.
- Improve vehicular and pedestrian accessibility to the historic downtown area from both within and outside the Project Area so that the downtown area may be redeveloped for modern commercial, civic, and related uses in accordance with the Town of Windsor's General Plan.

The property located at 269 Windsor River Road was acquired by the former Windsor Redevelopment Agency in 2001 from the Honsa Family. Subsequent to acquisition of the property, the construction of an asphalt road (referred to as the Honsa Avenue Project extension) was constructed from Windsor River Road to McClelland Avenue. The Honsa Avenue Project included a 2 lane roadway, parallel parking, 8-foot wide sidewalks on both sides of the roadway, street lighting, benches, trash receptacles, a pedestrian crosswalk and street trees. The Honsa Avenue Project was part of the Town of Windsor Redevelopment Agency Capital Improvement Program for fiscal year 2003-2005.

The Successor Agency proposes to transfer the title of this property to the Town in order to ensure that the property will continue to be utilized to serve Old Downtown Windsor including providing pedestrian and vehicle access to Old Downtown Windsor and the Town Green as well as parking.

Photo 1 - Honsa Avenue (269 Windsor River Road)

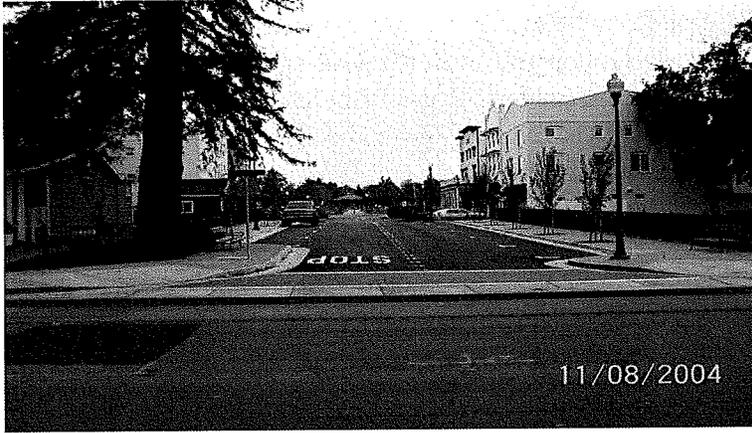


Photo 2 – Honsa Avenue Vicinity Map



Valuation Methodology

Background

Health and Safety Code Section 34191.5 (c) requires that the LRPMP contain an estimate of current value for each property.

Estimate of Current Value of 269 Windsor River Road

In the absence of appraisal information, and due to the extraordinary cost of completing appraisal for a road area encompassing approximately 115' * 50' section of existing asphalt roadway that has been in existence for approximately 10 years, it was determined that the subject Property at 269 Windsor River has no economic value. This property value determination is based on the assumption that the cost of removing the street, vacating the Public right-of-way and demolishing existing features (street lights, curbs and sidewalks) in preparation for development of the relatively small area of property would cost more than any potential valuation of the subject property.

