



CITY COUNCIL AS HOUSING SUCCESSOR AGENCY STAFF REPORT

DATE: December 18, 2013 CONSENT CALENDAR

SUBJECT: SET A PUBLIC HEARING DATE FOR THE SALE OF CITY-OWNED REAL PROPERTY TO ROBIN S. PLUNKETT, FOR CERTAIN REAL PROPERTY CONSISTING OF .17 ACRES OF LAND AREA LOCATED ON THE NORTH SIDE OF AVENIDA CERCA AND GRANADA ROAD APN: (669-393-023)

FROM: David H. Ready, City Manager

BY: Community & Economic Development Department

SUMMARY

It is recommended that the City Council, acting in its capacity as Housing Successor Agency, approve the resolution expressing the intent to sell and setting the date to hold a public hearing for the sale of a City as Housing Successor Agency-owned .17 acre parcel located at Avenida Cerca and Granada Road. The City acquired the property as the Housing Successor Agency from the former Community Redevelopment Agency on February 1, 2012 upon the dissolution of the Agency pursuant to State Law. The property was originally acquired by the Agency for redevelopment purposes but has remained vacant.

Housing Successor Agency actions are not subject to Oversight Board review.

RECOMMENDATION:

1. SET A PUBLIC HEARING FOR THE SALE OF CITY-OWNED REAL PROPERTY TO ROBIN S. PLUNKETT, FOR CERTAIN REAL PROPERTY CONSISTING OF .17 ACRES OF LAND AREA LOCATED ON THE NORTH SIDE OF AVENIDA CERCA AND GRANADA ROAD APN: (669-393-023) ON JANUARY 15, 2014

STAFF ANALYSIS:

AB 1X 26, the Redevelopment Agency Dissolution Act was adopted by the Legislature and ultimately approved by the Governor on June 28, 2011. This Act went into effect immediately. This law was subsequently amended by AB 1484 on June 27, 2012. (AB 1X 26, as amended, is referred to as the "Dissolution Act.")

In dissolving redevelopment agencies, the State also provided for successor agencies to handle the dissolution process. Consistent with the mandates of state law, the City of Palm Springs became the successor agency to the Redevelopment Agency [Health & Safety Code Sec. 34173]. The Dissolution Act, however, did not allow housing functions and related "rights, powers, assets, liabilities, duties, and obligations associated with the housing activities of the agency" to stay with the successor to the redevelopment agency. Rather, the City exercised its option to "retain the responsibility for performing housing functions previously performed by a redevelopment agency" as provided in Health & Safety Code Section 34176(b). Thus, the City serves as the successor to the Redevelopment Agency and the successor to the Redevelopment Agency housing program.

One of the "assets" transferred from the Successor Agency of the Redevelopment Agency to the Successor Agency of the Redevelopment Agency housing program, was this parcel of approximately .17 acres at the corner of Avenida Cerca and Granada Road, in the Desert Highland neighborhood.

In October, 2013 the City of Palm Springs received an offer from Robin S. Plunkett, ("Buyer") for the parcel. The price offered is the same as the Buyer paid for the adjacent parcel, a market transaction, earlier this year.

California Government Code Section 37421 et. seq. requires that the City first set a date of the public hearing at which the public may make testimony regarding the sale. This resolution sets the Public Hearing date for January 15, 2014.

This action is part of a three-step process in selling City-owned parcels: (1) Council directs the negotiator as to price and terms in Closed Session; (2) Council adopts a resolution expressing its intention to sell the property and setting the date of the Public Hearing, and the City publishes a notice of Public Hearing; and (3) Council approves the Agreement for Purchase and Sale of Real Property, as well as a resolution accepting the terms of the sale. The attached resolution is Step 2 in this process.

In addition, the Planning Commission shall review the proposed sale to make a determination of General Plan consistency.

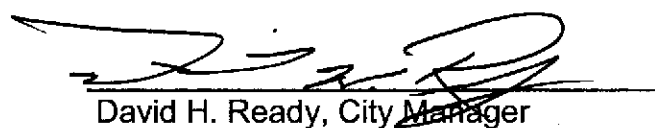
The price for the property of \$21,000 meets the fair market value standard and the process meets the requirements of City Council Resolution 14527, which requires that

the City sell all land at fair market value. The sale of this parcel meets the other tests of Resolution 14527:

1. There is no foreseeable present or future use of the property for City purposes.
2. The property cannot be leased or rented for its highest and best use at fair market rental.
3. The City's need for immediate liquidation, for cash, of such property -- at its fair market value -- is greater than its need for developing continuing revenue for the lease of such property.



John Raymond, Director of
Community & Economic Development



David H. Ready, City Manager

Attachments: Resolution

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PALM SPRINGS PURSUANT TO CALIFORNIA
GOVERNMENT CODE SECTION 37421 ET. SEQ. FOR
THE SALE OF CITY PROPERTY; AND NOTICE THEREOF

WHEREAS, AB 1X 26, the Redevelopment Agency Dissolution Act was adopted by the Legislature and ultimately approved by the Governor on June 28, 2011, which was subsequently amended by AB 1484 on June 27, 2012 (AB 1X 26, as amended, is referred to as the "Dissolution Act"); and

WHEREAS, consistent with the mandates of state law, the City of Palm Springs became the successor agency to the Redevelopment Agency [Health & Safety Code Sec. 34173] and also exercised its option to "retain the responsibility for performing housing functions previously performed by a redevelopment agency" as provided in Health & Safety Code Section 34176(b), and therefore serves as the successor to the Redevelopment Agency housing program; and

WHEREAS, one of the "assets" transferred from the Successor Agency to the City Acting as Successor Agency of the Redevelopment Agency housing program, was a parcel of approximately .17 acres at the corner of Avenida Cerca and Granada Road, in the Desert Highland neighborhood; and

WHEREAS, the City is desirous of selling certain property located in the City of Palm Springs ("Sale Property"), and described in Exhibit "A" of this Resolution, in accordance with Government Code Section 37420 et seq.; and

WHEREAS, the City Council of the City Palm Springs has received an offer from Robin S. Plunkett, ("Buyer") for the parcel, at a price paid by the Buyer paid for the adjacent similar parcel, earlier this year; and.

WHEREAS, pursuant to Government Code Section 37421, persons wishing to protest the sale of the Sale Property must present testimony at the time and place designated herein for the hearing to consider the sale of the Sale Property or submit written statements protesting the sale with the City Clerk prior to such hearing; and

WHEREAS, the notice of the public hearing for January 15, 2014 at 6 p.m. in the City Council Chambers at 3200 East Tahquitz Canyon Way, Palm Springs, California, at which time any and all protests to said sale may be heard and consideration of the sale of the Sale Property is made pursuant to California Government Code Sections 37421, 37422 and 37423; and

WHEREAS, the publication of the notice of public hearing describing the proposed sale of the Sale Property is made pursuant to Government Code Sections 37422 and 37423

by circulation in a daily newspaper published and circulated in the City and posted for not less than ten days in at least three conspicuous places upon each parcel of property affected; and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Palm Springs, as follows:

SECTION 1. The public hearing on the sale of the Sale Property shall be set for January 15, 2014 at 6 p.m. in the City Council Chambers at 3200 East Tahquitz Canyon Way, Palm Springs, California, in accordance with Government Code Sections 37421, 37422 and 37423.

SECTION 2. Notice of the public hearing to consider the sale of the Sale Property shall be published at least once in a daily newspaper published and circulated in the City, and posted for not less than ten days in at least three conspicuous places upon each parcel of property affected by the sale.

SECTION 3. Protests to the sale of the Sale Property shall be presented at the hearing or submitted in writing to the City Clerk before the hearing at the time and date set forth herein.

SECTION 4. Final action by the City upon the sale of the Sale Property shall be set for the hearing on January 15, 2014, or such time thereafter as may be set by the City Council.

PASSED, APPROVED AND ADOPTED BY THE PALM SPRINGS CITY COUNCIL THIS 18TH DAY OF DECEMBER, 2013.

DAVID H. READY, CITY MANAGER

ATTEST:

JAMES THOMPSON, CITY CLERK

EXHIBIT "A"

LEGAL DESCRIPTION

All that certain real property situated in the City of Palm Springs, County of Riverside, State of California, described as follows:

APNs: (669-393-023)