

RESOLUTION NO. OB-007

**A RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR
AGENCY TO MORGAN HILL REDEVELOPMENT AGENCY
APPROVING THE TRANSFER OF GOVERNMENT PURPOSE ASSETS TO
THE CITY OF MORGAN HILL AND THE COUNTY OF SANTA CLARA**

WHEREAS, Part 1.85 of the Health and Safety Code (“Code”) (commencing with §34170) (“Dissolution Act”) dissolved the former Morgan Hill Redevelopment Agency (the “Former Agency”) and designated the City of Morgan Hill (“City”) as the Successor Agency for the Former Agency (“Successor Agency”).

WHEREAS, under Code §34181(a), the Oversight Board may direct the Successor Agency to transfer ownership of those assets that were constructed and used for a governmental purpose from the Successor Agency to the City or an appropriate public jurisdiction.

WHEREAS, examples of government purpose assets under Code §34181(a) include roads, school buildings, parks, police and fire stations, libraries, and local agency administrative buildings.

WHEREAS, state law provides other examples of government purpose facilities, including:

- community and recreation centers (Education Code § 10902: “The governing body of every public authority may do all of the following: . . . Acquire, construct, improve, maintain, and operate recreation centers within or without the territorial limits of the public authority.”; and
- public parking lots (Streets & Highways Code §32501: “The supplying of additional parking facilities within and the performance of all undertakings incidental or advantageous thereto are public uses and purposes for which public moneys may be spent and private property acquired, and are governmental functions.”).

WHEREAS, during its meeting of July 18, 2012, the Oversight Board reviewed the list of governmental purpose assets proposed to be transferred to the City or another appropriate public jurisdiction and finds that based on the history, funding and use of these assets under the ownership of the Former Agency, the assets listed in Exhibit A (“Government Function Assets”) to this resolution are assets that were constructed and used for a governmental purpose.

WHEREAS, the pursuant to Code §33445 and pursuant to agreements entered into from time to time between the City and the Former Agency, City agreed to construct and install the Public Function Assets for the Agency’s redevelopment purposes and the Agency agreed to reimburse the City, and the parties agreed that such assets would be transferred to the City for continued operation and maintenance. Agreements relevant to the Public Function Assets include, but are not limited to, that “Project Reimbursement Agreement”, dated September 1, 2007 and that “Advance and Reimbursement Agreement,” dated January 26, 2011.

WHEREAS, the Oversight Board finds that the agreements set forth above are existing agreements relating to the construction and use of the Government Function Assets and that the City has already satisfied its obligations and provided considerations set forth in the agreements and for the transfer of the ownership of the assets to the City.

WHEREAS, pursuant to Code §34181(f), the proposed action under this resolution was publicly noticed at least 10 days prior to the adoption of this resolution pursuant to the notice procedures of the Successor Agency for its meetings.

THEREFORE, BE IT RESOLVED BY the Oversight Board that the above recitals and findings are adopted as part of this resolution and are true; and

BE IT FURTHER RESOLVED that the Successor Agency hereby directs the Successor Agency to transfer ownership of the Government Function Assets to the City, except that, at the City's request, the land underlying the County Courthouse and related public parking is directed to be transferred to the County of Santa Clara, as the appropriate public jurisdiction; and

BE IT FURTHER RESOLVED that the City Manager, in his capacity as an executive officer of the Successor Agency, is hereby authorized to take all actions to transact the transfer of ownership of the Government Function Assets; and

BE IT FURTHER RESOLVED that the Successor Agency is hereby directed to report to the Oversight Board the actions of the Department of Finance and to bring back any items that is returned to the Oversight Board for reconsideration.

ADOPTED this 19th day of September 2012, by the following vote:

AYES: Board members: Don Gage, Steve Kinsella, Pete Kutras,
Angela Rivera and Steve Tate.

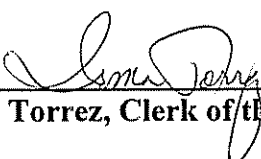
NOES: Board members: None

ABSENT: Board members: Wes Smith, George Putris (abstained)



Chair - Oversight Board of the Successor
Agency to the Morgan Hill Redevelopment Agency

Attest:



Irma Torrez, Clerk of the Board

83 CERTIFICATION 03

I, **Irma Torrez, City of the Oversight Board of the City of Morgan Hill, California,**
do hereby certify that the foregoing is a true and correct copy of Resolution No. OB-007,
adopted by the Oversight Board at the meeting held on September 19, 2012.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE: 10/22/2012



Irma Torrez, Clerk of the Board

Exhibit A Government Use Properties

No.	Name/Description	Address	Lot Size	Purpose of Acquisition	Transferred To:
1	Centennial Recreation Center (APN 767-18-025)	W EDMUNDSON AV	8.49 ac.	Recreation Center	City of Morgan Hill
2	Centennial Recreation Center (APN 767-18-037)	W EDMUNDSON AV	0.2 ac.	Corp Yard	City of Morgan Hill
3	Morgan Hill Library (773-02-006 & 007)	660 W MAIN AV	5.24 ac.	Library	City of Morgan Hill
4	Outdoor Sports Center (APN 817-13-001)	1240 SAN PEDRO AV	35.16 ac.	Sports Center	City of Morgan Hill
5	Aquatics Center (817-13-036/39)	16200 CONDIT RD	10 ac.	Aquatics Center	City of Morgan Hill
6	Land beneath County Courthouse and Public Parking (APN 726-12-006)	301 DIANA AV	8.14 ac.	Court House	Santa Clara County
7	The Lori Escobar El Toro Youth Center (APN 764-17-011)	17620 CREST AV	0.3 ac.	Youth Center	City of Morgan Hill
8	Downtown Parking Lot, 25 East 3rd Street (APN 726-14-008)	25 East 3rd Street	0.07 ac.	Public Parking	City of Morgan Hill
9	Downtown Parking Lot, 17575 Monterey Road (APN 767-07-010)	17575 Monterey Road	0.11 ac.	Public Parking	City of Morgan Hill
10	Downtown Parking Lot b/w First & Second Streets (APN 767-48-011)	b/w First & Second Streets	0.40 ac.	Public Parking	City of Morgan Hill
11	Future Park/Parking Lot, 65 West Third Street (APN 767-07-065)	65 West Third Street	.64 ac.	Park/Parking Lot	City of Morgan Hill
12	Right-of-way for Butterfield Blvd. (APN 726-04-001)	No Site Address	3.73 ac.	Public Street	City of Morgan Hill
13	Right-of-way for Butterfield Blvd. (APN 726-15-006)	No Site Address	3.14 ac.	Public Street	City of Morgan Hill
14	Near Creek Edmundson and Monterey (767-21-060/55)	Edmundson and Monterey	1.0 ac.	Public Street & Park	City of Morgan Hill
15	Butterfield N of Diana ROW (726-12-005)	Butterfield N of Diana	2.57 ac.	Public Street	City of Morgan Hill
16	ROW San Pedro (817-58-016)	San Pedro and Butterfield	1.44 ac.	Public Street	City of Morgan Hill
17	Train Depot and Parking Lot (APN 726-14-061)	No Site Address	1.13 ac.	Public Parking	City of Morgan Hill
18	Downtown Parking Lot (APN 726-13-047)	17130 Depot Street	.94 ac.	Public Parking	City of Morgan Hill