

RESOLUTION NO. 04-1314

A RESOLUTION OF THE SUCCESSOR AGENCY TO THE ARCATA COMMUNITY DEVELOPMENT AGENCY AGREEING TO REPAY FUNDS TO THE CITY OF ARCATA ADVANCED TO COMPLETE THE IMMEDIATE DEMOLITION OF COMMERCIAL COACHES LOCATED ON THE BLOOMFIELD SCHOOL SITE

WHEREAS, the City Council of the City of Arcata created the Arcata Community Development Agency (“Redevelopment Agency”) and adopted the first Redevelopment Implementation Plan in 1983 for the purpose of considering and pursuing redevelopment activities in the community pursuant to the Community Redevelopment Law (“CRL”), Health and Safety Code §§ 33000 *et seq.*; and

WHEREAS, pursuant to its authority under the CRL, the Redevelopment Agency purchased two commercial coaches and leased them to the Arcata Children’s Center, a California non-profit corporation, beginning in 1989, for use at the Bloomfield School site; and

WHEREAS, pursuant to ABX1 26, amending portions of Division 24 of the CRL, redevelopment agencies were dissolved effective February 1, 2012, at which time the two commercial coaches became assets and obligations of the Successor Agency; and

WHEREAS, Health and Safety Code Section 34167 prohibits a redevelopment successor agency from making payments for anything other than enforceable obligations, as defined by Section 34167(d), which are approved by the Oversight Board of the Successor Agency (“Oversight Board”) and the Department of Finance as part of a Recognized Obligation Payment Schedule (ROPS); and

WHEREAS, Health and Safety Code Section 34177(c) requires successor agencies to perform obligations of the former redevelopment agencies; and

WHEREAS, on February 22, 2013, the Oversight Board approved Resolution No. 2012/13-09 approving the termination of the lease contract between the Successor Agency and the Arcata Children’s Center to use the commercial coaches, and also approved the transfer of the commercial coaches to the Arcata School District for governmental purposes; and

WHEREAS, on April 12, 2013, the Department of Finance approved the transfer of the commercial coaches to the Arcata School District for governmental purposes; and

WHEREAS, the commercial coaches have been vacant since July 2012, and on various dates in 2012 and 2013, were broken into and vandalized; and

WHEREAS, on June 4, 2013, the Arcata School District provided notice to the Agency of its decision not to accept the coaches due to their poor condition; and

WHEREAS, on or about June 27, 2013, the Building Inspector for the City of Arcata inspected the commercial coaches and, on report of this inspection, the Building Official for the City of Arcata determined that they are in a dangerous condition, create an attractive nuisance, and present an immediate threat to the public health and safety; and

WHEREAS, on December 5, 2013, the Oversight Board approved a contract between the Successor Agency and Kernan Construction, Inc., to demolish the commercial coaches in the amount of \$14,500, however such funds will not be available unless and until approved as an enforceable obligation by the Oversight Board and Department of Finance; and

WHEREAS, in order to complete demolition of the commercial coaches as quickly as possible and thereby abate the dangerous nuisance condition presented by the coaches, the City entered into a contract dated December 20, 2013, with GHD Consulting Engineers to complete a federally mandated pre-demolition asbestos survey of the commercial coaches for the amount of \$3,163; and

WHEREAS, by Resolution No. 134-36 adopted on January 15, 2014, the City approved a loan to the Successor Agency in the amount of \$14,500 to pay Kernan Construction, Inc., for the immediate demolition of the commercial coaches.

NOW, THEREFORE, BE IT RESOLVED by the Successor Agency to the Community Development Agency of the City of Arcata as follows:

1. The above recitals are true and correct and incorporated herein.
2. The continued existence of the commercial coaches at the Bloomfield school site presents a public health and safety threat for which immediate abatement is required.
3. A loan of \$14,500 from the City of Arcata necessary for the immediate demolition of the commercial coaches pursuant to contract with Kernan Construction is hereby accepted.
4. An additional debt to the City in the amount of \$3,163 for payment made by the City to have a federally mandated pre-demolition asbestos survey of the commercial coaches completed is hereby acknowledged.
5. The Chair of the Board is hereby authorized to enter into an agreement with the City to repay funds, a copy of which is attached hereto and marked Exhibit 1, conditioned upon Oversight Board and Department of Finance approval.
6. The Successor Agency Treasure, Secretary and Attorney is hereby authorized and directed to forward this resolution to the Oversight Board for its approval.

This Resolution shall be effective upon adoption.

Dated: January 15, 2014

ATTEST:

APPROVED:

Secretary, Successor Agency to the
Community Development Agency of the
City of Arcata

Chair, Successor Agency to the
Community Development Agency of the
City of Arcata

SECRETARY'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of **Resolution No. 04-1314**, passed and adopted at a regular meeting of the Successor Agency to the Community Development Agency of the City of Arcata, County of Humboldt, State of California, held on the 15th day of January, 2014, by the following vote:

AYES: **WHEETLEY, ORNELAS, STILLMAN, WINKLER**

NOES: **NONE**

ABSENT: **BRINTON**

ABSTENTIONS: **NONE**

Secretary, Successor Agency to the
Community Development Agency of the
City of Arcata

EXHIBIT 1

AGREEMENT TO REPAY FUNDS

THIS REPAYMENT AGREEMENT is dated this ____ day of _____, 2014, by and between the City of Arcata (hereinafter called "City") and the Successor Agency to the Community Development Agency of the City of Arcata (hereinafter called "Successor Agency").

RECITALS

1. By operation of law, on February 1, 2012 the Successor Agency acquired ownership of two commercial coaches located on the Bloomfield School site and leased to the Arcata Children's Center.
2. The commercial coaches are no longer occupied or serviceable, represent a nuisance and must be demolished immediately in order to protect the public safety.
3. The Oversight Board of the Successor Agency, by Resolution 2013/14-3, approved the award of a demolition contract to Kernan Construction, Inc. in the amount of \$14,500.
4. In order to expedite demolition of the commercial coaches and the nuisance abatement, the City paid \$3,163 to GHD Consulting Engineers to complete a federally mandated pre-demolition asbestos survey of the commercial coaches.
5. By Resolution No. 134-36 adopted on January 15, 2014, the City approved a loan to the Successor Agency in the amount of \$14,500 to pay Kernan Construction, Inc. for demolition.

NOW THEREFORE, based on the mutual conditions and covenants recited hereto and made a material part hereof, the parties agree as follows:

1. The Successor Agency accepts a loan from the City in the amount of \$14,500 to pay Kernan Construction, Inc. for demolition for the commercial coaches.
2. The Successor Agency also accepts as its financial obligation the City's payment of \$3,163 to GHD Consulting Engineers to complete the federally mandated pre-demolition asbestos survey.
3. The Successor Agency therefore accepts its indebtedness to the City in the amount of \$17,663 for costs arising directly from the demolition of its commercial coaches.
4. The Successor Agency agrees to repay said debt to the City conditioned upon receipt of Oversight Board and Department of Finance approvals of such amounts as enforceable obligations of the Successor Agency.
5. If any provision of this Repayment Agreement, or the application thereof to any person,

party, transaction or circumstance, is held invalid, the remainder of the contract, or the application of such provision to other persons, parties, transactions or circumstances, shall not be affected thereby.

IN WITNESS WHEREOF, the City Council of the City of Arcata by its Resolution No. 134-36 has caused the name of said City to be affixed hereto by its Mayor and the Successor to the Arcata Community Development Agency by its Resolution No. 04-1314 has caused the name of said Successor to the Arcata Community Development Agency to be affixed hereto by its Chair, all as of the date herein above written.

DATED:

CITY:

**SUCCESSOR AGENCY TO THE
COMMUNITY DEVELOPMENT AGENCY OF
THE CITY OF ARCATA:**

Mayor, City of Arcata

Chair, Successor Agency

ATTEST:

City Clerk, City of Arcata

Secretary, Successor Agency

**APPROVED BY THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE
COMMUNITY DEVELOPMENT AGENCY OF THE CITY OF ARCATA:**

Chair, Oversight Board

Date: _____

ATTEST:

Secretary and Clerk to the Oversight Board

Date: _____