

RESOLUTION NO. OB2012-08

A RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE LAKE FOREST REDEVELOPMENT AGENCY, DIRECTING THE TRANSFER OF REDEVELOPMENT AGENCY HOUSING ASSETS AND FUNCTIONS TO THE LAKE FOREST HOUSING AUTHORITY PURSUANT TO HEALTH AND SAFETY CODE SECTIONS 34177 AND 34181 AND ENCUMBERED LOW AND MODERATE INCOME HOUSING FUNDS DESIGNATED FOR HOUSING PROJECTS TO THE LAKE FOREST HOUSING AUTHORITY PURSUANT TO HEALTH AND SAFETY CODE SECTION 34181

WHEREAS, pursuant to Health and Safety Code Section 34173(d), the City of Lake Forest ("Successor Agency") elected to act as the successor agency on January 3, 2012; and

WHEREAS, pursuant to Health and Safety Code Section 34179(a), the Oversight Board is the oversight board to the Successor Agency; and

WHEREAS, pursuant to Health and Safety Code Section 34176, the City of Lake Forest, as the entity that authorized the creation of the Agency, elected not to retain the housing assets and functions previously performed by the Agency, and instead elected to transfer all rights, powers, assets, liabilities, duties, and obligations associated with the housing activities of the Agency, excluding any amounts on deposit in the Low and Moderate Income Housing Fund, to the City of Lake Forest Housing Authority ("Authority"), as provided in Resolution No. 2012-06, on January 17, 2012; and

WHEREAS, pursuant to Health and Safety Code Section 34177(g), the Successor Agency is required to effectuate the transfer of housing functions and assets to the appropriate entity designated pursuant to Health and Safety Code Section 34176; and

WHEREAS, a list of all Agency housing assets to be transferred by the Successor Agency to the Authority is attached to this Resolution as Exhibit A; and

WHEREAS, prior to the effectiveness of Health and Safety Code Section 34176, and prior to the dissolution of the Agency, the Agency transferred all of its interests in real property and related agreements to the Authority, as provided in Resolution Nos. R2011-08 and R2011-09, both adopted on March 15, 2011, and

the Authority accepted such interests in real property and related agreements; and

WHEREAS, pursuant to Health and Safety Code Section 34177(d), the Successor Agency is required to remit only the unencumbered balances of Agency funds to the Orange County Auditor-Controller, including the unencumbered balance of the Low and Moderate Income Housing Fund ("Housing Fund"); and

WHEREAS, pursuant to Health and Safety Code Section 34177(l), the Successor Agency has submitted, for Oversight Board approval, a Recognized Obligation Payment Schedule ("ROPS") setting forth the debts and obligations of the dissolved Agency which need to be paid, including debts and obligations related to housing projects to be paid from the Housing Fund; and

WHEREAS, the Successor Agency desires to transfer funds from the Housing Fund encumbered for housing projects set forth in the ROPS to the Authority for the Authority to be able to carry out such housing projects, which are provided in Exhibit B attached to this Resolution; and

WHEREAS, pursuant to Health and Safety Code Section 34181(c), the Oversight Board is to direct the Successor Agency to transfer housing responsibilities and all rights, powers, duties, and obligations, along with any amounts on deposit in the Housing Fund, to the appropriate entity pursuant to Health and Safety Code section 34176;

NOW, THEREFORE, THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE LAKE FOREST REDEVELOPMENT AGENCY DOES HEREBY RESOLVE, DETERMINE, FIND, AND ORDER AS FOLLOWS:

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 transfer of housing assets and functions and encumbered funds through this Resolution does not commit the Oversight Board to any action that may have a significant effect on the environment. As a result, such action does not constitute a project subject to the requirements of the California Environmental Quality Act. The Oversight Board Secretary is authorized and directed to file a Notice of Exemption with the appropriate official of the County of Orange, California, within five (5) days following the date of adoption of this Resolution.

Section 3. Designation and Direction to Transfer Housing Assets and Functions, Including Authority over Agency Programs. The Oversight Board hereby designates the assets set forth in Exhibit A attached to this Resolution as the housing assets of the dissolved Agency to be transferred to the Authority, and directs the transfer of such housing assets by the Successor Agency, along with the transfer of all rights, powers, liabilities, duties, and obligations associated with the housing activities of the dissolved Agency, to the Authority, pursuant to Health and Safety Code Sections 34176, 34177, and 34181. The Oversight Board also hereby approves the transfer of the Agency's interests in real property to the Authority, pursuant to Resolution Nos. R2011-08 and R2011-09.

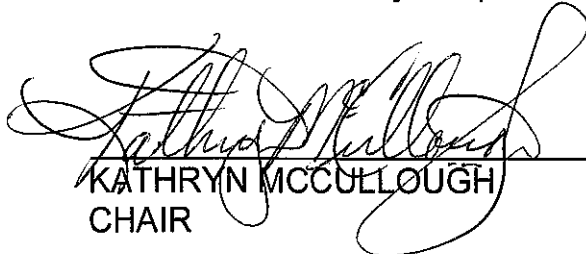
Section 4. Transfer of Encumbered Funds from the Housing Fund for Housing Projects. The Oversight Board hereby directs the Successor Agency to transfer the encumbered funds from the Housing Fund designated for housing projects set forth in the ROPS, all as provided in Exhibit B attached to this Resolution, to the Authority, pursuant to Health and Safety Code, Section 34181.

Section 5. Severability. If any provision of this Resolution or the application of any such provision to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The Oversight Board declares that the Oversight Board would have adopted this Resolution irrespective of the invalidity of any particular portion of this Resolution.

Section 6. Certification. The Oversight Board Secretary, acting on behalf of the Oversight Board as its Secretary, shall certify to the adoption of this Resolution.

Section 7. Effective Date. Pursuant to Health and Safety Code Section 34179(h), all actions taken by the Oversight Board may be reviewed by the State of California Department of Finance, and, therefore, this Resolution shall not be effective for three (3) business days, pending a request for review by the State of California Department of Finance.

PASSED, APPROVED AND ADOPTED this 24th day of April 2012.


KATHRYN MCCULLOUGH
CHAIR

ATTEST:

Stephanie D. Smith
STEPHANIE D. SMITH, CMC
OVERSIGHT BOARD SECRETARY

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF LAKE FOREST)

I, Stephanie D. Smith, CMC, Oversight Board Secretary, do hereby certify that the foregoing Resolution No. OB2012-08 was duly introduced and adopted at a regular meeting of the Oversight Board of the Successor Agency to the Lake Forest Redevelopment Agency on the 24th day of April 2012 by the following vote, to wit:

AYES:	OVERSIGHT BOARD MEMBERS:	DILL, JONES, MCCORD, MCCULLOUGH, PARTIDA, SHIN-HEYDORN, WOODINGS
NOES:	OVERSIGHT BOARD MEMBERS:	NONE
ABSENT:	OVERSIGHT BOARD MEMBERS:	NONE
ABSTAIN:	OVERSIGHT BOARD MEMBERS:	NONE

Stephanie D. Smith
STEPHANIE D. SMITH, CMC
OVERSIGHT BOARD SECRETARY

EXHIBIT A

HOUSING ASSETS OF THE LAKE FOREST REDEVELOPMENT AGENCY

Real Property Assets:

NAME	ASSESSOR PARCEL NUMBER	TRANSFER DATE
22702 Madrid Drive	933-43-060	March 15, 2011
22706 Madrid Drive	933-43-058	March 15, 2011
Authority Parcel	614-024-01	March 15, 2011
Mamie Thomas Parcel	614-021-31	March 15, 2011
Saguaro Property	617-091-25	February 1, 2012

Agreements, Covenants, and Enforceable Obligations:

AGREEMENT NAME	TYPE OF AGREEMENT
Alexan Bellecour Apartment Covenants	Housing Covenants
Housing Rehabilitation Loans	Private Loan Agreements
Housing Rehabilitation Loan Services – Theresa Dobbs	Consultant Services Contract
Contract with AmeriNational for Housing Fees	Servicing of Housing Loans
Transfer Fees for Mobile Homes (HCD)	Servicing of Housing Loans
Transfer Fees for Mobile Homes (Orange County Tax Assessor)	Servicing of Housing Loans
GRC Associates (CDBG Monitoring)	Consultant Services Contract
Purchase Agreements (Madrid Condominiums)	Purchase and Sale Agreement
Affordable Housing Agreement - (Madrid Condominiums)	Affordable Housing Agreement
Purchase Agreement (Saguaro Property)	Purchase and Sale Agreement
Relocation Plan for Saguaro	Relocation Plan (State Housing Law)
Lease Agreements with Saguaro Tenants	Private Lease Agreements
Spectrum Care Agreement (Authority Parcel-Saguaro)	Maintenance of Property

EXHIBIT B

ENCUMBERED FUNDS AND HOUSING PROJECTS SET FORTH IN THE RECOGNIZED OBLIGATIONS PAYMENT SCHEDULE

PROJECT NAME	PAYEE	PROJECT DESCRIPTION	AMOUNT
Housing Rehabilitation Loan Program	Lake Forest Housing Authority	Existing loan balances due from loan recipients for housing loans	\$486,380
Housing Rehabilitation Loan Program	Amerinational	Fees to service existing housing loans	\$30,000
Housing Rehabilitation Loan Program	State Department of Housing and Community Development	Recording fees for mobile-homes	\$3,000
Housing Rehabilitation Loan Program	Housing Rehabilitation Consulting Services ("HRCS") Theresa Dobbs	Ongoing cost to monitor existing low and moderate income housing rehabilitation loans	\$18,000
Madrid Condominiums	Rancho Viejo II Home Owner's Association	Madrid condominiums dues	\$252,000
Saguaro Property	Saguaro Tenants	Relocation of Saguaro Property Tenants as necessary	\$223,317
Saguaro Property	Southern California Edison Southern California Gas Waste Management, Irvine Ranch Water District	Utilities (gas, electric, waste management) - maintenance of housing asset under AB1X 26	\$9,600
Saguaro Property	(Jamey Clark, Inc.) (Bernardo Galvan)	Various maintenance requirements to preserve value of Saguaro Property pursuant to the provisions of AB1X 26	\$48,600
Madrid Condominiums	(Jamey Clark, Inc.) (Bernardo Galvan)	Various maintenance requirements to preserve value of an affordable housing asset pursuant to AB1X 26	\$15,000
Authority Parcel	County of Orange	Various maintenance requirements to preserve value of an affordable housing asset pursuant AB1X 26	\$ 7,200
Saguaro Property	Spectrum Care	Landscape Maintenance	\$600
		CASH TRANSFER	\$607,317
		LOAN BALANCES RECEIVABLE	\$486,380
		TOTAL	\$1,093,697