

RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SUCCESSOR AGENCY TO THE PASADENA COMMUNITY DEVELOPMENT COMMISSION AUTHORIZING THE EXECUTION AND DELIVERY OF A PURCHASE AND SALE AGREEMENT FOR THE SALE OF PROPERTY OWNED BY THE SUCCESSOR AGENCY LOCATED AT 145 NORTH RAYMOND AVENUE IN THE CITY OF PASADENA, FINDING THAT SUCH AUTHORIZATION IS EXEMPT FROM ENVIRONMENTAL REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AND TAKING RELATED ACTIONS

WHEREAS, pursuant to AB X1 26 (which became effective in June 2011) (as subsequently amended, the “Dissolution Act”) and the California Supreme Court’s decision in *California Redevelopment Association, et al. v. Ana Matosantos, et al.*, 53 Cal. 4th 231 (2011), the Pasadena Community Development Commission (“Former Agency”) was dissolved as of February 1, 2012, and the City of Pasadena elected to serve as the successor agency to the Former Agency (“Successor Agency”); and

WHEREAS, pursuant to the Dissolution Act, properties of the Former Agency, including the approximately 0.415-acre property located at 145 North Raymond Avenue, and identified as APN 5723-021-901 (“Property”) transferred to the Successor Agency by operation of law and the Successor Agency owns the Property in fee simple. The Property is described in Exhibit “A”, attached hereto; and

WHEREAS, on December 29, 2015, the California Department of Finance (“DOF”) approved the Successor Agency’s Long Range Property Management Plan (“LRPMP”), prepared pursuant to Health and Safety Code Section 34191.5, which includes the Property and requires the Successor Agency to sell the Property; and

WHEREAS, the Surplus Land Act (Government Code Sections 54220-54234) (“Surplus Land Act”) generally requires the governing board of a local agency that owns land in fee simple which is not necessary for the agency’s use to take formal action in a regular public meeting to declare that the land is surplus land or exempt surplus land prior to undertaking other action to dispose of the land; and

WHEREAS, as amended by Assembly Bill 1486, which took effect on January 1, 2020, the Surplus Land Act defines “local agency” for purposes of the Surplus Land Act to include the Successor Agency; and

WHEREAS, under the Surplus Land Act, land is necessary for a local agency’s use if the land is being used, or is planned to be used pursuant to a written plan adopted by the governing body of the local agency, for the local agency’s work or operations; and

WHEREAS, the Property is not necessary for the Successor Agency’s use within the meaning of the Surplus Land Act because the Dissolution Act requires the Successor Agency to wind up the affairs of the Former Agency, including selling the Property

pursuant to the LRPMP, and the Successor Agency will be formally dissolved when all of the Former Agency's enforceable obligations have been retired or paid off and its real property has been disposed of; and

WHEREAS, Government Code Section 54221(f)(1)(B) provides that, except as provided in paragraph (2) of Section 54221(f), "exempt surplus land" means surplus land that is less than one-half acre in size and is not contiguous to land owned by a state or local agency that is used for open-space or low and moderate income housing; and Government Code Section 54221(f)(1)(J) provides that, except as provided in Paragraph 2 of Section 54221(f), "exempt surplus land" means surplus land that is subject to an existing lease entered into prior to September 30, 2019 that makes housing on the site prohibited if there is no feasible method to satisfactorily mitigate or avoid the prohibition on the site; and

WHEREAS, paragraph (2) of Government Code Section 54221(f) provides that notwithstanding paragraph (1) of Section 54221(f), a written notice of availability ("NOA") of surplus land for open-space purposes shall be sent to the entities described in subdivision (b) of Government Code Section 54222 (park and recreation departments in the city and county in which the land is located, regional park authorities having jurisdiction within the area in which the land is located, and the State Resources Agency) before disposing of the surplus land, provided the surplus land does not meet the criteria in subparagraph (H) of paragraph (1) (subsequently renumbered as paragraph (K)), if the land is listed on the National Register of Historic Places; and

WHEREAS, the Property qualifies as "exempt surplus land" pursuant to paragraphs (B) and (J) of Government Code Section 54221(f)(1) because the Property is less than one-half acre in size, not contiguous to land owned by a state or local agency that is used for open-space or low and moderate income housing, and is subject to a lease between the Former Agency (now Successor Agency) and the Armory Center for the Arts, dated May 31, 2001, which requires the lessee to use the Property for an art center and such other related activities normally carried on by an art center through the term of the lease, which expires in 2031; and

WHEREAS, because the Property is listed on the National Register of Historic Places and does not meet the criteria in subparagraph (K) of paragraph (1) of Government Code Section 54221(f), an NOA of the Property must be sent to the entities described in subdivision (b) of Government Code Section 54222; and

WHEREAS, on June 10, 2024, the Board of Directors of the Successor Agency adopted its Resolution No. 10054 declaring the Property as surplus land and directed that an NOA of the Property for purchase be sent to the entities described in subdivision (b) of Section 54222 in accordance with the Surplus Land Act; and

WHEREAS, staff of the Successor Agency sent an NOA of the Property for purchase in accordance with the preceding paragraph, and no entities responded to the NOA within the 60-day response period provided for in the Act; and

WHEREAS, the Armory Center for the Arts desires to purchase the Property from the Successor Agency in a cash sale for its fair market value of Two Million Six Hundred

Thousand Dollars (\$2,600,000) determined pursuant to an appraisal prepared by Norris Realty Advisors, a California certified general real estate appraiser, dated May 21, 2024 (the "Appraisal").

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE SUCCESSOR AGENCY TO THE PASADENA COMMUNITY DEVELOPMENT COMMISSION DOES HEREBY RESOLVE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. The above recitals are true and correct and are a substantive part of this Resolution.

SECTION 2. The Purchase and Sale Agreement was presented to the Successor Agency at the regular meeting of the Successor Agency held on September 9, 2024, and is on file in the Office of the City Clerk. The Board of Directors hereby authorizes Miguel Márquez (an Authorized Officer), individually, to execute and deliver, for and in the name of the Successor Agency, the Purchase and Sale Agreement in substantially such form, with such non-substantive changes therein as the Authorized Officer may approve (such approval to be conclusively evidenced by the execution and delivery thereof), provided that such execution and delivery shall occur after the effective date of a resolution of the Los Angeles County Fifth Supervisorial District Consolidated Oversight Board (the "Oversight Board") approving the Successor Agency's execution and delivery of the Purchase and Sale Agreement and after the California Department of Community Development has confirmed that the Successor Agency has complied with the Surplus Land Act in connection with the disposition of the Property.

SECTION 3. The Oversight Board is hereby requested to approve the Successor Agency's sale of the Property to the Armory Center for the Arts and the execution and delivery of the Purchase and Sale Agreement by the Successor Agency in substantially the form as presented to the Successor Agency and on file with the Office of the City Clerk.

SECTION 4. The Successor Agency will remit the proceeds of the sale of the Property, less customary and reasonable costs of sale, to the County Auditor-Controller for remittance to the affected taxing entities.

SECTION 5. The Secretary of the Oversight Board is hereby directed to transmit this Resolution to the Oversight Board.

SECTION 6. Pursuant to the requirements of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA") the Successor Agency has evaluated the action of authorizing the Successor Agency to sell the Property to the Armory Center for the Arts. CEQA excludes, from environmental review, actions that are not "projects" as defined by CEQA Guidelines Section 21065 and within the meaning of Section 15378(b). Sections 21065 and 15378(b) define a project as an action which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. Section 15378 excludes from the definition of "project" administrative activities that will not result in direct or indirect physical changes in the environment. The actions proposed herein, authorizing the sale of the property, is an administrative activity that will not result in direct or indirect physical changes in the

environment, and therefore is not a “project” as defined by CEQA. Since the action is not a project subject to CEQA, no environmental document is required. The Successor Agency is not taking any other discretionary action with regard to this Property. If future discretionary actions are proposed, they will be subject to appropriate environmental review at that time.

Section 7. The Authorized Officers and staff of the Successor Agency are hereby authorized, jointly and severally, to do all things (including but not limited to the execution of any certificates or other instruments) which they may deem necessary or proper to effectuate the purposes of this Resolution, and any such actions previously taken are hereby ratified and confirmed.

Section 8. The Successor Agency Secretary shall certify to the passage and adoption of this Resolution.

[SIGNATURES TO FOLLOW ON THE NEXT PAGE]

PASSED, APPROVED, AND ADOPTED this _____ day of _____, 2024.

AYES:

NOES:

ABSENT:

ABSTAIN:

VICTOR M. GORDO
CHAIR OF THE SUCCESSOR AGENCY
TO THE PASADENA COMMUNITY
DEVELOPMENT COMMISSION

ATTEST:

MARK JOMSKY
SECRETARY OF THE
SUCCESSOR AGENCY TO THE
PASADENA COMMUNITY
DEVELOPMENT COMMISSION

Approved as to form:



Dion O'Connell
Assistant City Attorney

EXHIBIT A

LEGAL DESCRIPTION

Lots 22 and 23 in Block "A" of the Legge Tract, in the City of Pasadena, in the County of Los Angeles, State of California, as per Map recorded in Book 7, Page 99, of Miscellaneous Records of said county.

Excepting that portion now included in Raymond Avenue, presumed to be the East 19 feet.

Excepting and reserving, all oil, gas, and other hydrocarbon substances in and under said property, but without any right to penetrate, use or disturb the property within 500 feet of the surface thereof.