

Orange Countywide Oversight Board

Date: 9/30/2025

Agenda Item No. 6

From: Staff of the Oversight Board

Subject: Recording Retained Property Notices for Properties Lacking Compensation Agreements

Recommended Action:

Receive and file Retained Property Notice form and letter to be sent to Successor Agencies

At its April 29, 2025, regular meeting, the Oversight Board adopted Resolution No. 25-014 regarding properties transferred to a city under its Successor Agency's Long-Range Property Management Plan (LRPMP). Consistent with Health and Safety Code Section 34191.5(c)(2)(A)(iii), the Resolution specifies that a city must negotiate and enter into a compensation agreement with the local taxing entities before selling a property that was transferred to the city under the Successor Agency's LRPMP.

The Resolution authorized various actions that could be taken with regard to a property that was listed on an LRPMP as being retained for future development if the property did not have a compensation agreement. One authorized action was to publish or post a Retained Property Notice including by recording in the County Official Records.

Accordingly, this agenda item provides a copy of the template for a Retained Property Notice to be recorded with the Orange County Clerk-Recorder in the records of the relevant property. This agenda item also provides a copy of the notification letter to be sent by the Chairman to each Successor Agency to inform them of this process.

Attachments

- Retained Property Notice Form for Recording with the Orange County Clerk-Recorder
- Letter to be Sent to Successor Agencies
- Resolution No. 25-014 (Approved April 29, 2025)

RECORDING REQUESTED BY
AND WHEN RECORDED,
MAILED TO:

Kathy Tavoularis
Manager
Orange Countywide Oversight Board
1770 N. Broadway
Santa Ana, CA 92706

Space Above This Line for Recorder's Use

NOTICE

PARCEL SUBJECT TO REQUIREMENTS OF
HEALTH AND SAFETY CODE SECTION 34191.5(c)(2)(A)(iii)

Notice is hereby given that each parcel listed in Exhibit A located in the County of Orange, California, is a "Retained Property" described in Resolution No. 25-014, adopted on April 29, 2025, by the Orange Countywide Oversight Board, and the validity of the sale of such parcel by the City of _____ is subject to the restriction described in Resolution No. 25-014. A copy of Resolution No. 25-014 is in Exhibit B.

_____, 2025

ORANGE COUNTYWIDE OVERSIGHT BOARD

Brian Probolsky
Chair

Kathy Tavoularis
Manager

EXHIBIT A

APN:

EXHIBIT B

Copy of

Resolution No. 25-014
adopted by the Orange Countywide Oversight Board

(attached)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF _____)
) ss.
COUNTY OF _____)

On _____ before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Public

(Seal)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF _____)
) ss.
COUNTY OF _____)

On _____ before me, _____, Notary Public, personally appeared _____, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Notary Public

(Seal)

ORANGE COUNTYWIDE OVERSIGHT BOARD

1770 NORTH BROADWAY, SANTA ANA, CALIFORNIA 92706

CHAIRMAN
BRIAN PROBOLSKY
Director
Moulton Niguel
Water District

VICE CHAIRMAN
NICHOLAS DUNLAP
Councilmember
City of Fullerton

CHARLES BARFIELD
General Manager
Orange County
Employees Association

KRISTEN CAMUGLIA
Appointee of the
Orange County
Board of Supervisors

LOUIS McCLURE
Public Member
Appointee of the
Orange County
Board of Supervisors

DEAN WEST
Associate Superintendent
Orange County
Department of Education

PHILIP YARBROUGH
Trustee
Rancho Santiago Community
College District

Successor Agencies of Orange County

Dear Colleague:

The Orange Countywide Oversight Board passed Resolution No. 25-014 on April 29, 2025 concerning properties retained by cities under Long-Range Property Management Plans ("LRPMPs") for future development. The Resolution specified that, pursuant to Health and Safety Code Section 34191.5(c)(2)(A)(iii), a city must negotiate and enter into compensation agreements with the local taxing entities before selling the retained properties transferred to it.

Many successor agencies have compensation agreements. Others do not.

Resolution No. 25-014 specified the Board could take a number of different actions related to properties listed on a successor agencies' LRPMPs that were retained for future development that do not have related compensation agreements, including the publication or posting of "Retained Property Notices" concerning those properties.

Enclosed are a copy of Resolution No. 25-014 and a form of the Notice the Oversight Board approved for recordation against any properties identified in successor agencies' LRPMPs for which the required compensation agreement has not been completed. Please be advised that pursuant to Resolution No. 25-014, the Oversight Board may record these Notices against properties identified on the LRPMP for future development at any time.

Sincerely,

Brian Probolsky
Chairman
Orange Countywide Oversight Board

Overseeing the Successor Agencies of

County of Orange • Anaheim • Brea • Buena Park • Costa Mesa • Cypress • Fountain Valley • Fullerton
Garden Grove • Huntington Beach • Irvine • La Habra • La Palma • Lake Forest • Mission Viejo • Orange • Placentia
San Clemente • San Juan Capistrano • Santa Ana • Seal Beach • Stanton • Tustin • Westminster • Yorba Linda

RESOLUTION OF THE ORANGE COUNTYWIDE OVERSIGHT BOARD

RESOLUTION NO. 25-014

A RESOLUTION OF THE ORANGE COUNTYWIDE OVERSIGHT BOARD
AUTHORIZING AND DIRECTING ACTIONS PERTAINING TO PROPERTIES
APPROVED TO BE RETAINED FOR FUTURE DEVELOPMENT UNDER THE
LONG-RANGE PROPERTY MANAGEMENT PLANS AND RELATED
COMPENSATION AGREEMENTS

WHEREAS, by the laws of the State of California ("State"), redevelopment agencies within the State were dissolved as of February 1, 2012, and successor agencies were established as successor entities to wind down the former redevelopment agencies' affairs; and

WHEREAS, pursuant to Health and Safety Code ("HSC") Section 34179(j), commencing July 1, 2018, the Orange Countywide Oversight Board (the "Board") has jurisdiction over the successor agencies located within the County of Orange ("County"); and

WHEREAS, during 2013 through 2015, successor agencies prepared long-range property management plans (each, an "LRPMP") to address the disposition of their former redevelopment agencies' real properties; and

WHEREAS, pursuant to HSC Section 34191.3(a), once the LRPMP was approved by the oversight board and the State Department of Finance ("DOF"), the LRPMP shall govern the disposition and use of the related properties; and

WHEREAS, on a LRPMP, the successor agency could list certain properties as "retain for future development" ("Retained Properties" or each, a "Retained Property") and, subject to the oversight board's and the DOF's approval of the LRPMP, the successor agency could transfer the Retained Properties to its city (or the county, in the case of the county successor agency); and

WHEREAS, under HSC Section 34191.5(c)(2)(A)(iii), for the Retained Properties, the DOF or the oversight board may require compensation agreements (pursuant to which the city would make some compensation payment to the taxing entities), but the city could execute the compensation agreements after the DOF's approval of the LRPMP; and

WHEREAS, for the County's successor agencies that have Retained Properties on their LRPMPs, the DOF conditioned its approval of the LRPMPs on a recognition that compensation agreements with the taxing entities are required; and

WHEREAS, the DOF permitted a successor agency to transfer a Retained Property to its city before any compensation agreement materialized, but by such time as the city

sells the Retained Property to a third party, compensation agreements between the city and the affected taxing entities must be obtained; and

WHEREAS, many cities successfully entered into compensation agreements with taxing entities in the interim years; and

WHEREAS, generally under these compensation agreements, the cities agreed, upon the sale of a Retained Property, to transfer the net sale proceeds to the County Auditor-Controller ("CAC") for distribution to the taxing entities; and

WHEREAS, however, there remain cities with Retained Properties subject to the Countywide Oversight Board's jurisdiction that have not yet entered into compensation agreements with the taxing entities; and

WHEREAS, the Board recognizes that, in most instances, successor agencies transferred the Retained Properties to their cities years ago; and

WHEREAS, the Board further recognizes that each successor agency and its city are separate legal entities; and

WHEREAS, with respect to each active successor agency in the County, the related city elected to serve as the successor agency under HSC Section 34173, and thus the city was present throughout the development of its successor agency's LRPMP and has known the commitments made under the LRPMP regarding compensation agreements for the Retained Properties; and

WHEREAS, thus, each LRPMP documented the agreement, rights and obligations among the DOF, the oversight board, the successor agency, the city, and the taxing entities regarding the Retained Property and the requirement for compensation agreements; and

WHEREAS, when the city received a benefit by accepting a Retained Property transferred from its successor agency, the city also accepted the obligation to have compensation agreements in place by the time of sale of the Retained Property to a third party; and

WHEREAS, pursuant to the HSC Section 34179(i), the Board has fiduciary responsibilities to the taxing entities; and

WHEREAS, in the Board's view, the Board has the right to act if a city violates its commitment pursuant to the LRPMP to enter into agreements to compensate the taxing entities for the Retained Properties; and

WHEREAS, in the Board's view, a city's unilateral declaration that no compensation agreement with the taxing entities could be reached without the Board's approval is a violation of such commitment; and

WHEREAS, with respect to any unsold Retained Property still held by a city, the Board has the right to publish or post notification (including by way of an instrument recorded in the County Official Records) that the city's sale of the Retained Property will not be valid unless the city has reached related compensation agreements with the taxing entities (such notification being referred to below as "Retained Property Notice");

NOW, THEREFORE, BE IT RESOLVED BY THE ORANGE COUNTYWIDE OVERSIGHT BOARD:

SECTION 1. The Recitals set forth above are true and correct and are incorporated as a substantive part of this Resolution.

SECTION 2. With respect to each active successor agency that has Retained Properties listed on its LRPMP and in connection with which, the city has not yet executed any agreement to provide compensation to the taxing entities, Oversight Board counsel and staff are hereby authorized to take actions as they deem appropriate to: (i) inquire, and obtain information, about the status of the Retained Properties and related compensation agreements, (ii) gather other information for the Board to determine if the city has violated its obligations relating to the Retained Properties under the LRPMP, and (iii) at the direction of the Chair of the Board, publish or post Retained Property Notices with respect to any unsold Retained Property (including by way of recording one or more instruments in the County Official Records). Any and all previous Oversight Board counsel and staff actions consistent with this direction are hereby ratified and affirmed.

SECTION 3. 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 4. The Clerk of the Oversight Board shall certify to the adoption of this Resolution and is directed to transmit this Resolution to the DOF.

The foregoing was passed and adopted by the following vote of the Orange Countywide Oversight Board on TUESDAY, APRIL 29, 2025

YES: CHARLES BARFIELD, KRISTEN CAMUGLIA, LOUIS MCCLURE, BRIAN PROBOLSKY, DEAN WEST, PHILLIP E. YARBROUGH

NOES:
EXCUSED: NICK DUNLAP

ABSTAINED:

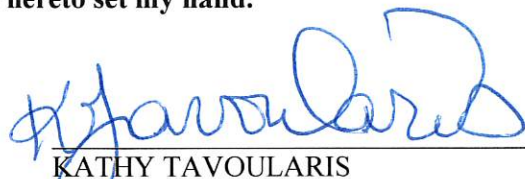


BRIAN PROBOLSKY
CHAIRMAN

STATE OF CALIFORNIA)
)
COUNTY OF ORANGE)

I, KATHY TAVOULARIS, Clerk of the Orange Countywide Oversight Board, Orange County, California, hereby certify that a copy of this document has been delivered to the Chairman of the Board and that the above and foregoing Resolution was duly and regularly adopted by the Orange Countywide Oversight Board.

IN WITNESS WHEREOF, I have hereto set my hand.



KATHY TAVOULARIS
Clerk
Orange Countywide Oversight Board

Resolution No: 25-014

Agenda Date: Tuesday, April 29, 2025

Item No: 5