

OVERSIGHT BOARD FOR THE REDEVELOPMENT SUCCESSOR AGENCY OF THE  
CITY OF HEALDSBURG

RESOLUTION NO. OB3-2013

A RESOLUTION OF THE OVERSIGHT BOARD FOR THE REDEVELOPMENT SUCCESSOR AGENCY OF THE CITY OF HEALDSBURG DIRECTING THE SUCCESSOR AGENCY TO TRANSFER OWNERSHIP OF GOVERNMENTAL PURPOSE PROPERTIES FORMERLY OWNED BY THE REDEVELOPMENT AGENCY OF THE CITY OF HEALDSBURG TO THE CITY OF HEALDSBURG

WHEREAS, in accordance with Assembly Bill No. X1 26, as amended by Assembly Bill No. 1484 (“Dissolution Act”), the Redevelopment Agency of the City of Healdsburg (“RDA”) dissolved effective February 1, 2012 and the City of Healdsburg, as the entity that authorized the creation of the RDA, became the Successor Agency to the former RDA and succeeded to all of the authority, rights, powers, duties, and obligations previously vested in the RDA; and

WHEREAS, an Oversight Board for the Successor Agency to the former RDA was duly formed as required by the Dissolution Act; and

WHEREAS, in accordance with Health and Safety Code Section 34181(a) of the Dissolution Act, the Oversight Board may direct the Successor Agency to transfer ownership of those assets owned by the former RDA that were constructed and used for a governmental purpose (“Governmental Purpose Assets”) to the City of Healdsburg; and

WHEREAS, if so directed by the Oversight Board, the Successor Agency must transfer ownership of the Governmental Purpose Assets to the City of Healdsburg; and

WHEREAS, as required by Health and Safety Code Section 34181(f) of the Dissolution Act, the proposed action of the Oversight Board to direct the Successor Agency to transfer Governmental Purpose Assets to the City of Healdsburg will, if approved, be taken by resolution of the Oversight Board at a public meeting which is publically noticed 10 days before the date of the Oversight Board meeting; and

WHEREAS, the Oversight Board hereby finds that all of the Governmental Purpose Assets described below were owned by the RDA and were constructed and used for a governmental purpose;

NOW, THEREFORE, THE OVERSIGHT BOARD FOR THE REDEVELOPMENT SUCCESSOR AGENCY OF THE CITY OF HEALDSBURG DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The above recitations are true and correct.

SECTION 2. In accordance with Health and Safety Code Section 34181(a), the Oversight Board hereby finds that all of the Governmental Purpose Assets described below, for reference purposes only, were owned by the RDA and were constructed and used for a governmental purpose. Such Governmental Purpose Assets include:

- City Hall 401 Grove Street - APN 088-230-082  
(See Exhibit "A")
- Giorgi Park 536 University Street - APN 002-071-001  
540 University Street - APN 002-071-019  
(See Exhibit "B")
- West Plaza 17 Matheson Street – APN 002-182-033  
(See Exhibit "C")
- Purity Property 9 North Street - APN 002-173-002  
15 North Street - APN 002-173-003  
3 North Street - APN 002-173-021  
(See Exhibit "D")
- Mitchel Center Parking Lot 434 Healdsburg Avenue - APN 002-171-041  
(See Exhibit "E")
- Center St. Parking Lot 228 Healdsburg Avenue - APN: 002-242-038  
225 Center Street - APN 002-242-049  
(See Exhibit "F")

SECTION 3. In accordance with Health and Safety Code section 34181(a), the Oversight Board does hereby direct the Successor Agency to transfer to the City of Healdsburg all of the Governmental Purpose Assets described above.

SECTION 4. This Resolution is duly adopted by the Oversight Board at a public meeting that was publically noticed through posting at least 10 days prior to the meeting.

The above and foregoing Resolution was duly and regularly passed and adopted at a meeting by the Oversight Board for the Redevelopment Successor Agency of the City of Healdsburg on the 6th day of August, 2013 by the following vote:

AYES: Board Members: (6) Herrington, Navarrette, Schaffner, Ward, Ziedrich and Chairperson Plass

NOES: Board Members: (0) None

ABSENT: Board Members: (1) Liles

ABSTAINING: Board Members: (0) None

SO ORDERED:

ATTEST:

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Gary W. Plass, Chairperson

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Maria Curiel, Board Secretary

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I, MARIA CURIEL, Secretary to the Oversight Board for the Redevelopment Successor Agency of the City of Healdsburg, do hereby certify that the foregoing is a full, true, and correct copy of Resolution No. OB3-2013 duly adopted by the Oversight Board at a regular meeting held on the 6<sup>th</sup> day of August, 2013.

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Maria Curiel, Board Secretary

## EXHIBIT A

**City Hall Property** – 401 Grove Street, APN 088-230-082



The land that City Hall was constructed on was purchased by the Redevelopment Agency (RDA) on June 24, 1985. The property was later identified as the location for City Hall. A notice to proceed for the construction of City Hall was issued on March 22, 1996. A “Notice of Completion” (**Attachment 4**) for the construction of City Hall was recorded on April 11, 1997. The entire parcel includes the local agency administrative building (City Hall). Since the notice of completion for construction of City Hall was issued the property has been utilized as a “local agency administrative building”. There are no foreseeable plans to relocate City Hall from the current location.

ATTACHMENT(S):

- **Attachment 4:** Notice of Completion for Construction of City Hall



## EXHIBIT B

**Giorgi Park - 536 University Street (Giorgi Park) – APN 002-071-001**  
**540 University Street (Giorgi Park) – APN 002-071-019**



Giorgi Park – 536 and 540 University Street were incorporated into the Giorgi Park Rehabilitation Project. Part of the project was funded with Redevelopment Agency funds and a grant from the Sonoma County Agricultural Preservation and Open Space District (District). The existing structures were demolished in order to make room for the park improvements. As part of the agreement a Conservation Easement (CE) (**Attachment 6**) was placed over the subject properties. The CE established that the property must be used as a park and significantly restricts any type of physical improvements or type of use that may occur on the property. Giorgi Park is also recognized in the Parks and Open Space Master Plan (**Attachment 5**), which was adopted by the City Council on August 18, 2008 by Resolution No. 91-2008 (**Attachment 8**). The Giorgi Park Rehabilitation project has been completed.

**ATTACHMENT(S):**

- **Attachment 5:** Parks and Open Space Master Plan (Giorgi Park Pg.66 )
- **Attachment 6:** Giorgi Park Conservation Easement
- **Attachment 8:** Resolution No. 91-2008, Council Adoption of Parks and Open Space Master Plan



**EXHIBIT C**

**West Plaza – 17 Matheson Street - APN 002-182-033**



**West Plaza Park** - Approximately 1.5 acres of the West Plaza property contains the “West Plaza Park”. The park is recognized in the City’s Parks and Open Space Master Plan (**Attachment 5**) and has been maintained over the years as a public park. Being a City Park, Community Services funds have been utilized for operations and maintenance of the park. The Parking lot adjacent to the park also supports park uses such as special events, the Healdsburg Farmers Market and general park use.

**West Plaza is part of the Business and Parking Improvement Area** – Ordinance No. 771 (**Attachment 1**) of the City Council of the City of Healdsburg was adopted in 1985 pursuant to the authority of the Parking and Business Improvement Area Law of 1979, establishing the Downtown Business and Parking Improvement Area (DPIA). West Plaza has been operated by the City of Healdsburg continuously and is located within the DPIA which allows for retail/office/lodging customers and employee public parking free of charge. As mentioned above, a portion of west plaza provides public parking which supports park use, including special event and the Healdsburg Farmers Market. Operational revenues which have supported the operation of the parking lot have come from a combination of sources which include DPIA Assessments, Community Services Funds, and City General Funds.

West Plaza is located in the DPIA and exhibits all aspects of public ownership as required by the Parking and Business Improvement Area Law of 1979 (Under the Streets & Highway Code, Section 36520 et. Seq.) Pursuant to the DPIA, businesses within the DPIA pay an annual assessment to the City of Healdsburg in an amount based on their business license fees. The assessment has been utilized in part for, *“The acquisition, construction or maintenance of parking facilities for the benefit of the area.”* In addition to the property being utilized as a park, the creation of this DPIA has ensured that the parcel would be used and maintained continuously for a government purpose.

**In-Lieu Parking Fees** - In 1986 the City adopted a resolution establishing In-Lieu Parking Fees for properties identified in Exhibit “A” of the enabling Resolution No. 129-86 (**Attachment 2**). The Resolution provides that if required parking is infeasible due to physical constraints, the In-Lieu policy would allow for those potential businesses who could not meet the parking requirements to have an avenue to meet their parking demand by paying those established fees. “The Resolution stipulated, *“All funds received under this interim policy shall be transferred to the Healdsburg Community Redevelopment Agency operation and capital improvement fund.”* Section 1208 of Chapter 20 of the Municipal Code allowed for fees in lieu of providing parking facilities required by Article 12 of the Zoning Ordinance. Resolution 129-86 established the in-lieu fees and their specific use. The boundary that was utilized was that of the Downtown Business and Parking Improvement Area. The Area contains a mix of retail space, lodging, and office space.

Creation of the DPIA and establishment of the In-Lieu Parking Fees established an express legal covenant between the City and the private property owners. The owners and businesses promised to pay their assessments and the City promised to use said assessments in part for *“...acquisition, construction or maintenance of parking facilities for the benefit of the area.”* In addition, the owners and businesses that were required to pay their in-lieu fees to the City were promised the City would construct, operate, and maintain a comprehensive system of free public parking. Transferring some or all of the public parking assets to private ownership would be a violation of this contractual and statutory conveyance – a covenant which requires that these parking assets be maintained as government property and devoted for their original intended use.



**City of Healdsburg Electric Utilities** — West Plaza also contains a high voltage pad-mounted switchgear operated by the Healdsburg Electric Department serving the governmental purpose of providing municipal electrical power to the downtown area along with a 25-kilowatt pad-mounted transformer. The City's ratepayers have supported the cost to mount, maintain, and operate the equipment. Relocating these facilities is not possible due to the lack of adjacent, city owned properties.

ATTACHMENT(S)

- **Attachment 1:** Ordinance No. 771, Downtown Business and Parking Improvement Area
- **Attachment 2:** Resolution NO. 129 – 86 establishing In-Lieu Parking Fees
- **Attachment 5:** Parks and Open Space Master Plan (West Plaza Pg. 74)

## EXHIBIT D

### Purity (Harry and Maggie Wetzel Park)

9 North Street (Purity) – APN 002-173-002

15 North Street (Purity) - APN 002-173-003

3 North Street (Purity) APN 002-173-021



**Purity Property** - A section of the property contains the, "Harry and Maggie Wetzel Native Plant Garden." The park is approximately 1/3 of an acre. Public funds of over \$66,000 were used to construct the park. The Wetzel Family along with their wine distributors, Glazer Family of Companies, donated \$66,331 (**Attachment 9**) to the City of Healdsburg for building the park. The City contracted with

Russian Riverkeeper (**Attachment 7**) to develop park plans and construct the park in June of 2009. Riverkeeper converted the former undeveloped parking area into the present Wetzel Native Plant Garden Park over the last four years with the help of over 300 volunteers from the community. Several businesses such as North Coast Bank, Starbucks, Costeaux Bakery, Safeway, Garrett's Hardware and Mix Garden Supply all donated supplies, materials and food for volunteers to support the park construction. The public park includes local native plants in a botanical park setting along Foss Creek.

Today the park has interpretive signs educating visitors about the important role of native plants and how they can bring them into their home gardens. The Wetzel Garden has received several awards and honors including a feature article in *Fremontia*, the Journal of the California Native Plant Society 2013 summer edition, best public garden featured in Sonoma County Parks Grateful Bed Competition and a recent award by the Healdsburg Garden Club for best park garden.

Note: This area was not included in the Parks and Open Space Master Plan (Plan) as the "Harry and Maggie Wetzel Native Plan Garden" was dedicated after the Plan was adopted.

#### ATTACHMENT(S)

- **Attachment 7:** Contract with Russian RiverKeeper for Construction of Wetzel Garden (Purity)
- **Attachment 9:** Receipts from private donors



**EXHIBIT E**

**Mitchell Center Public Parking Lot - 434 Healdsburg Avenue, APN 002-171-041**





The Mitchell Center Public Parking Lot is located within the Downtown Business and Parking Improvement Area (DPIA). The parking lot has been operated by the City of Healdsburg continuously and is located within the DPIA which allows for retail/office/lodging customers and employee public parking free of charge. The parking lot located in the DPIA provides public parking to support commercial, residential and cultural activities in the downtown business core of the City of Healdsburg. The operational revenues which have made this free parking system possible have come from a combination of sources which include DPIA Assessments, Community Services Funds, and City General Funds. This structure is a fundamental element in keeping these parking lots as a government purpose.

**Mitchell Center Public Parking Lot is part of the Business and Parking Improvement Area – Ordinance No. 771 (Attachment 1)** of the City Council of the City of Healdsburg was adopted in 1985 pursuant to the authority of the Parking and Business Improvement Area Law of 1979, establishing the Downtown Business and Parking Improvement Area (DPIA). Mitchell Center Public Parking Lot has been operated by the City of Healdsburg continuously and is located within the DPIA which allows for retail/office/lodging customers and employee public parking free of charge. Operational revenues which have supported the operation of the parking lot have come from a combination of sources which include DPIA Assessments, Community Services Funds, and City General Funds.

The Mitchell Center Public Parking Lot is located in the DPIA and exhibits all aspects of public ownership as required by the Parking and Business Improvement Area Law of 1979 (Under the Streets & Highway Code, Section 36520 et. Seq.) Pursuant to the DPIA, businesses within the DPIA pay an annual assessment to the City of Healdsburg in an amount based on their business license fees. The assessment has been utilized in part for, *“The acquisition, construction or maintenance of parking facilities for the benefit of the area.”* The creation of this DPIA has ensured that the parcel would be used and maintained continuously for a government purpose.

**In-Lieu Parking Fees** - In 1986 the City adopted a resolution establishing In-Lieu Parking Fees for properties identified in Exhibit “A” of the enabling Resolution No. 129-86 (**Attachment 2**). The Resolution provides that if required parking is infeasible due to physical constraints, the In-Lieu policy would allow for those potential businesses who could not meet the parking requirements to have an avenue to meet their parking demand by paying those established fees. “The Resolution stipulated, *“All funds received under this interim policy shall be transferred to the Healdsburg Community Redevelopment Agency operation and capital improvement fund.”* Section 1208 of Chapter 20 of the Municipal Code allowed for fees in lieu of providing parking facilities required by Article 12 of the Zoning Ordinance. Resolution No. 129-86 established the in-lieu fees and their specific use. The boundary that was utilized was that of the Downtown Business and Parking Improvement Area. The Area contains a mix of retail space, lodging, and office space.

Creation of the DPIA and establishment of the In-Lieu Parking Fees established an express legal covenant between the City and the private property owners. The owners and businesses promised to pay their assessments and the City promised to use said assessments in part for *“...acquisition, construction or maintenance of parking facilities for the benefit of the area.”* In addition, the owners and businesses that were required to pay their in-lieu fees to the City were promised the City would construct, operate, and maintain a comprehensive system of free public parking. Transferring some or all of the public parking assets to private ownership would be a violation of this contractual and statutory conveyance – a covenant which requires that these parking assets be maintained as government property and devoted for their original intended use.

#### ATTACHMENT(S)

- **Attachment 1:** Ordinance No. 771, Downtown Business and Parking Improvement Area
- **Attachment 2:** Resolution 129 – 86 establishing In-Lieu Parking Fees

## EXHIBIT F

Center St. Parking Lot - 228 Healdsburg Avenue APN 002-242-038,  
225 Center Street APN 002-242-049



The Center Street Public Parking Lot is located within the Downtown Business and Parking Improvement Area (DPIA). The parking lot has been operated by the City of Healdsburg continuously and is located within the DPIA which allows for retail/office/lodging customers and employee public parking free of charge. The parking lots located in the DPIA provide public parking to support commercial, residential and cultural activities in the downtown business core of the City of Healdsburg. The operational revenues which have made this free parking system possible have come from a combination of sources which include DPIA Assessments, Community Services Funds, and City General Funds. This structure is a fundamental element in keeping these parking lots as a government purpose.

**The Center Street Public Parking Lot is part of the Business and Parking Improvement Area – Ordinance No. 771 (Attachment 1)** of the City Council of the City of Healdsburg was adopted in 1985 pursuant to the authority of the Parking and Business Improvement Area Law of 1979, establishing the Downtown Business and Parking Improvement Area (DPIA). The Center Street Public Parking lot has been operated by the City of Healdsburg continuously and is located within the DPIA which allows for retail/office/lodging customers and employee public parking free of charge. Operational revenues which

have supported the operation of the parking lot have come from a combination of sources which include DPIA Assessments, Community Services Funds, and City General Funds.

The Center Street Public Parking Lot is located in the DPIA and exhibits all aspects of public ownership as required by the Parking and Business Improvement Area Law of 1979 (Under the Streets & Highway Code, Section 36520 et. Seq.) Pursuant to the DPIA, businesses within the DPIA pay an annual assessment to the City of Healdsburg in an amount based on their business license fees. The assessment has been utilized in part for, *“The acquisition, construction or maintenance of parking facilities for the benefit of the area.”* The creation of this DPIA has ensured that the parcel would be used and maintained continuously for a government purpose.

**In-Lieu Parking Fees** - In 1986 the City adopted a resolution establishing In-Lieu Parking Fees for properties identified in Exhibit “A” of the enabling Resolution No. 129-86 (**Attachment 2**). The Resolution provides that if required parking is infeasible due to physical constraints, the In-Lieu policy would allow for those potential businesses who could not meet the parking requirements to have an avenue to meet their parking demand by paying those established fees. “The Resolution stipulated, *“All funds received under this interim policy shall be transferred to the Healdsburg Community Redevelopment Agency operation and capital improvement fund.”* Section 1208 20 of Chapter of the Municipal Code allowed for fees in lieu of providing parking facilities required by Article 12 of the Zoning Ordinance. Resolution No. 129-86 established the in-lieu fees and their specific use. The boundary that was utilized was that of the Downtown Business and Parking Improvement Area. The Area contains a mix of retail space, lodging, and office space.

Creation of the DPIA and establishment of the In-Lieu Parking Fees established an express legal covenant between the City and the private property owners. The owners and businesses promised to pay their assessments and the City promised to use said assessments in part for *“...acquisition, construction or maintenance of parking facilities for the benefit of the area.”* In addition, the owners and businesses that were required to pay their in-lieu fees to the City were promised the City would construct, operate, and maintain a comprehensive system of free public parking. Transferring some or all of the public parking assets to private ownership would be a violation of this contractual and statutory conveyance – a covenant which requires that these parking assets be maintained as government property and devoted for their original intended use.

**Easement** - When these two properties were acquired by the RDA, as part of the purchase and sale agreement, an easement (**Attachment 3**) was placed over the property that states in part, *“...easement for the purpose of parking up to 18 automobiles and vehicular access to 15 feet at the north side entrance of the building and 24 feet to the easterly portion of said remainder property on and over the below described parcel.”* This easement runs with the land and is place in perpetuity. In addition, the easement is appurtenant to and for the benefit of the remaining lands of the grantee herein being a portion of APN: 002-242-35 and any parts of portion property. (Described property is adjacent to southerly portion of 228 Healdsburg Avenue)

#### ATTACHMENT(S)

- **Attachment 1:** Ordinance No. 771, Downtown Business and Parking Improvement Area
- **Attachment 2:** Resolution No. 129 – 86 establishing In-Lieu Parking Fees
- **Attachment 3:** Easement for Center Street Parking Lot