

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF LA HABRA, CALIFORNIA, DECLARING PROPERTY COMMONLY KNOWN AS A PORTION OF THE LA HABRA MARKET PLACE PARKING LOT, APN 018-381- 64 AS EXEMPT SURPLUS LAND**

**WHEREAS**, pursuant to Health and Safety Code Section 34173(d), the City of La Habra elected to become the Successor Agency (“Successor Agency”) to the Redevelopment Agency of the City of La Habra (Successor Agency) by Resolution No. 5508 on January 12, 2012; and

**WHEREAS**, The Redevelopment Agency of the City of La Habra still owns a property commonly known as a portion of the La Habra Market Place Parking Lot, APN 018-38-64; and

**WHEREAS**, Senate Bill 1486 and 1255 amended the Surplus Land Act (“SLA”) to promote affordable housing development on unused and underutilized public land throughout the state to respond to the existing affordable housing crisis; and

**WHEREAS**, the California Department of Housing and Community Development (“HCD”) adopted SLA Guidelines, effective April 2021 (the “Guidelines”), which provide guidance for the disposition of “Surplus Land”; and

**WHEREAS**, the SLA and Guidelines require public agencies to follow required procedures and provide information to HCD in connection with the disposition of surplus land; and

**WHEREAS**, an agency that determines that property is exempt surplus land under the SLA shall support such a determination with written findings and shall provide a copy of the written determination to HCD at least thirty (30) days prior to disposition; and

**WHEREAS**, the SLA defines “Exempt Surplus Land” in Government Code Section 54221, subdivision (f)(1)(G), as land that is subject to valid legal restrictions not imposed by the local agency, such as covenants running with the land, that would make housing prohibited, unless there is a feasible method to satisfactorily mitigate or avoid the prohibition on the site.

**NOW, THEREFORE, THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF LA HABRA DOES HEREBY RESOLVE AND MAKES THE FOLLOWING FINDINGS IN SUPPORT OF THE DECLARATION OF EXEMPT SURPLUS LAND:**

**Recitals.** The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

**Section 1. CEQA Compliance.** The approval of Exempt Surplus Land through this Resolution does not commit the Successor Agency 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 Successor Agency Secretary is authorized and directed to file 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 2. Property.** The Redevelopment Agency of the City of La Habra (“Former Agency”), is the owner of certain real property commonly known as a portion of the La Habra Market Place Parking Lot, APN 018-381-64, described herein in Exhibit A (hereafter, the “Property”). The Successor Agency has legal authority to act on behalf of the Former Agency with regard to the Property.

**Section 3. Valid Legal Restrictions on the Property.** The Former Agency acquired title to the Property by a Grant Deed, recorded against the Property on or about June 27, 1990, as instrument number 90-340988 (“Grant Deed”). The Grant Deed included a restrictive covenant that required the Former Agency, its successors and assigns, to “use, improve and operate the Property solely for a surface level public parking lot and no other use shall be allowed thereon.” The Successor Agency, acting on behalf of the Former Agency, has attempted to mitigate and avoid the restrictive covenant, and hereby finds there is no feasible method to satisfactorily mitigate or avoid the prohibition from the Grant Deed on the site.

**Section 4. HCD Concurrence.** On October 10, 2022, the Successor Agency provided written correspondence to HCD to justify a determination that the Property should be considered as Exempt Surplus Land. On April 6, 2023, HCD concurred with the Successor Agency’s finding. In their concurrence, HCD noted, “because the restrictions require that the Property be used for surface level parking and no other use is allowed, housing is prohibited on the Property and there isn’t a feasible method to mitigate the restriction on the Property. Therefore, the Property qualifies as ‘exempt surplus land’ under Government Code section 54221, subdivision (f)(1)(G).”

**Section 5. Exempt Surplus Land.** Based on the foregoing, the Successor Agency, acting on behalf of the Former Agency, hereby declares and finds the Property as Exempt Surplus Land under Government Code section 54221, subdivision (f)(1)(G).

**Section 6. 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 Successor Agency declares that the Successor Agency would have adopted this Resolution irrespective of the invalidity of any particular portion of this Resolution.

**Section 7. Certification.** The Successor Agency Secretary shall certify to the adoption of this Resolution.

**Section 7. Effective Date.** This Resolution shall be effective immediately upon approval by the Successor Agency.

**PASSED, APPROVED AND ADOPTED** at a regular meeting of the Successor Agency to the La Habra Redevelopment Agency on the 5<sup>th</sup> day of June 2023.

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Steve Simonian  
Successor Agency Chair

ATTEST:

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Rhonda J. Barone, CMC  
Secretary

STATE OF CALIFORNIA }  
COUNTY OF ORANGE } ss  
CITY OF LA HABRA }

I, Rhonda J. Barone, Secretary for the Successor Agency to the La Habra Redevelopment Agency, do hereby certify that the above and foregoing is a true and correct copy of Resolution No. \_\_\_\_\_ introduced and adopted at a regular meeting of the Successor Agency to the La Habra Redevelopment Agency held on the 5<sup>th</sup> day of June 2023.

AYES: DIRECTORS:  
NOES: DIRECTORS:  
ABSTAIN: DIRECTORS:  
ABSENT: DIRECTORS:

Witness my hand and the official seal of the City of La Habra this 5<sup>th</sup> day of June, 2023.

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Rhonda J. Barone, CMC  
Secretary

## Attachment 1

### LEGAL DESCRIPTION

Real property in the City of La Habra, County of Orange, State of California, described as follows: LOT 3 OF TRACT NO. 13828, AS SHOWN BY MAP ON FILE IN BOOK 700, PAGES 1 THRU 6, OF MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA. EXCEPTING THEREFROM ALL OIL, GAS, ASPHALTUM, AND OTHER HYDROCARBONS AND OTHER MINERALS, WHETHER SIMILAR TO THOSE HEREIN SPECIFIED OR NOT, WITHIN OR UNDERLYING, OR THAT MAY BE PRODUCED FROM SAID PROPERTY, AND THE SOLE AND EXCLUSIVE RIGHT TO DRILL SLANTED WELLS FROM ADJACENT LANDS INTO AND THROUGH, AND TO DEVELOP MINES AND CONSTRUCT TUNNELS, SHAFTS AND OTHER WORKS THROUGH, AND TO DEVELOP MINES AND CONSTRUCT TUNNELS, SHAFTS AND OTHER WORKS IN AND THROUGH THE SUBSURFACE OF SAID PROPERTY FOR THE PURPOSE OF RECOVERING SAID MINERALS, OR ANY OF THEM FROM SAID PROPERTY OR OTHER PROPERTY, OR BOTH, AND THE RIGHT TO USE THAT PORTION OF THE SUBSURFACE OF SAID PROPERTY LYING BELOW A DEPTH OF 500 FEET FROM THE SURFACE OF SAID PROPERTY FOR ALL PURPOSES PERTAINING TO OR INCIDENT TO THE PRODUCTION OF, THE STORAGE OF, CONSERVATION OF, OR EXPLORING FOR OIL, GAS, ASPHALTUM AND OTHER HYDROCARBONS AND OTHER MINERALS, WHETHER SIMILAR TO THOSE SPECIFIED OR NOT, OR ANY OF SAID SUBSTANCES, BY MEANS OF ANY METHOD NOW KNOWN OR UNKNOWN, BUT NOT INCLUDING WITHIN THIS EXCEPTION ANY RIGHT TO USE THE SURFACE ABOVE A DEPTH OF 500 FEET BELOW THE SURFACE FOR THE AFORESAID PURPOSES, AS RESERVED IN THE DEEDS FROM HAROLD M. STERN AND OTHERS, RECORDED SEPTEMBER 14, 1961 IN BOOK 5846, PAGES 813 AND 816 OF OFFICIAL RECORDS.

APN: 018-381-64