

RESOLUTION NO. 29

A RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SANTA BARBARA APPROVING THE AMENDMENT TO THE OWNER PARTICIPATION AGREEMENT DATED AS OF APRIL 13, 2004 BY AND BETWEEN THE CITY OF SANTA BARBARA AND 35 STATE STREET HOTEL LLC, AS SUCCESSOR IN INTEREST TO S.B. BEACH PROPERTIES, LP

**WHEREAS**, In 2004, the City of Santa Barbara, the Redevelopment Agency of the City of Santa Barbara ("Agency") and S.B. Beach Properties, L.P. ("Owner") entered into an agreement entitled "Owner Participation Agreement For the Construction and Lease or Sale of a Community Visitor Center with Public Restrooms" (hereinafter referred to as the "2004 OPA");

**WHEREAS**, Section 204 of the 2004 OPA obligated the Agency to reimburse the Owner for an undetermined amount of costs to be incurred by the Owner to construct certain sidewalk improvements along the east side of State Street ("Sidewalk Improvements");

**WHEREAS**, the Agency dissolved prior to completion of the Sidewalk Improvements and the obligation, as set forth in the 2004 OPA, became an enforceable obligation of the Successor Agency in accordance with Assembly Bill X1 26, as amended by Assembly Bill 1484;

**WHEREAS**, in order to define and clarify all of the continuing obligations of the City and Owner, the City and Owner's successor-in-interest amended the 2004 OPA in an agreement entitled Amendment to the Owner Participation Agreement Dated as of April 13, 2004 By and Between the City of Santa Barbara and 35 State Street Hotel LLC, as Successor-In-Interest to S.B. Beach Properties, L.P. (hereinafter referred to as 2013 Amended OPA);

**WHEREAS**, Article II C of the 2013 Amended OPA capped the maximum amount of reimbursement the Successor Agency would be obligated to pay under the 2004 OPA and provided that any amounts expended by the Owner over that amount would be paid by the City; and

**WHEREAS**, in accordance with Health and Safety Code section 34181(e), the Oversight Board may approve an amendment to an agreement between the Agency and a private party if it finds that the amendment would be in the best interests of the taxing entities.

NOW, THEREFORE, THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF SANTA BARBARA DOES HEREBY RESOLVE AS FOLLOWS:

**SECTION 1.** The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

**SECTION 2.** In accordance with Health and Safety Code section 34181(e), the Oversight Board hereby finds that the 2013 Amended OPA is in the best interests of the taxing entities because (i) it caps the maximum reimbursement that the Successor Agency is

obligated to pay to the Owner to satisfy the enforceable obligation created by the 2004 OPA and, (ii) it obligates the City of Santa Barbara to pay any additional sums incurred by the Owner over and above that amount necessary to carry-out the Sidewalk Improvements.

**SECTION 3.** This Resolution shall take effect immediately upon its adoption.

(signatures appear on next page)

RESOLUTION NO. 029

STATE OF CALIFORNIA            )  
  )  
COUNTY OF SANTA                )  
  )  
OVERSIGHT BOARD OF THE         )  
SUCCESSOR AGENCY TO THE        )  
REDEVELOPMENT AGENCY OF THE   )  
CITY OF SANTA BARBARA         )

I HEREBY CERTIFY that the forgoing resolution was adopted by the Oversight Board of the Successor Agency to the Redevelopment Agency of the City of Santa Barbara at a meeting held on December 7, 2015, by the following roll call vote:

AYES                               Oversight Board Members Paul Casey, Liz Limon, Carolle Van Sande, Renee Bahl, Joseph Sullivan, and Tom Alvarez

NOES                               None

ABSENT:                           Chair Meg Jetté

ABSENTIONS:                   None

I HEREBY APPROVE the foregoing resolution on December 7, 2015

  
Carolle Van Sande  
Vice Chair