

**RESOLUTION NO. 2012-11**

**A RESOLUTION OF THE LEMOORE OVERSIGHT BOARD FOR THE  
LEMOORE SUCCESSOR AGENCY TO THE  
FORMER LEMOORE REDEVELOPMENT AGENCY APPROVING A CONTRACT  
WITH ASSOCIATED SOILS ANALYSIS, INC. FOR CONTAMINATION  
REMEDICATION ON FORMER REDEVELOPMENT AGENCY OWNED PROPERTY AT  
500 19 ½ AVENUE COVERING FISCAL YEAR 2012-13**

**WHEREAS**, AB X1 26 (“AB 26”) was passed by the California State Legislature on June 15, 2011, signed by the Governor on June 28, 2011, and on February 1, 2012 redevelopment agencies in the state of California were dissolved; and

**WHEREAS**, AB 1484 was passed by the California State Legislature and signed by the Governor on June 27, 2012 modifying the provisions of AB 26; and

**WHEREAS**, Health & Safety Code Section 34177(a)(5)(c) requires the Successor Agency to perform obligations required pursuant to any enforceable obligation; and

**WHEREAS**, the property located at 500 19 ½ Avenue in Lemoore California (Property) is the site of an ongoing contamination remediation project as identified by the State of California Regional Water Quality Control Board in its letter dated November 23, 1993 to Mr. Joe De La Cruz, the owner of said Property at that time; and

**WHEREAS**, the former Redevelopment Agency purchased said Property from Mr. De La Cruz on January 16, 2009 with full knowledge of the contamination and Polanco Act protection; and

**WHEREAS**, Associated Soils Analysis, Inc. has been performing such remediation services on said Property since before the Redevelopment Agency acquired it and continued to perform such services after its acquisition; and

**WHEREAS**, annually the Redevelopment Agency has contracted with Associated Soils Analysis, Inc. to perform such remediation services for that year; and

**WHEREAS**, the Property is identified as an approved Underground Storage Tank Cleanup Fund project, Claim No. 18805, and costs to perform such remediation are reimbursed by the State of California Water Resources Control Board; and

**WHEREAS**, on March 20, 2012, the State of California Water Resources Control Board informed the Redevelopment Agency that due to the dissolution of redevelopment, pursuant to AB X1 26, the Successor Agency is responsible for notifying the Underground Storage Tank Cleanup Fund of the transfer of the former Redevelopment Agency’s claim; and

**WHEREAS**, the required change notification was submitted and on June 11, 2012, the City of Lemoore as Successor Agency received a letter from the State of California Water Resources Control Board indicating the Underground Storage Tank Cleanup Fund accepted the City of Lemoore to act as the Successor for the contamination remediation of said Property; and

**WHEREAS**, pursuant to Section 34177(i) the Successor Agency is required to continue to oversee development of properties until the contracted work has been completed or the contractual obligations of the former Redevelopment Agency can be transferred to other parties; and

**WHEREAS**, the Underground Storage Tank Cleanup Fund has indicated that \$75,000 is available for contamination remediation at said Property during fiscal year 2012-13; and

**WHEREAS**, the City of Lemoore as Successor Agency to the former Redevelopment Agency received a proposal in the amount of \$74,587 from Associated Soils Analysis, Inc. to continue its annual performance of contamination remediation services for fiscal year 2012-13; and

**WHEREAS**, Health and Safety Code Section 34180 requires the actions of the Successor Agency shall first be approved by the Oversight Board; and

**WHEREAS**, pursuant to Section 34179(e), all actions taken by the Oversight Board shall be adopted by resolution.

**NOW, THEREFORE, BE IT RESOLVED** that the Lemoore Oversight Board for the Lemoore Successor Agency to the former Lemoore Redevelopment Agency hereby approves execution of the proposal between the Successor Agency and Associated Soils Analysis, Inc. to perform contamination remediation services at 500 19 ½ Avenue, Lemoore, California, which upon execution shall become the Contract for fiscal year 2012-13. Said proposal is attached hereto and incorporated by reference herein.

**BE IT FURTHER RESOLVED** that the City Manager of the City of Lemoore, the Successor Agency to the former Lemoore Redevelopment Agency, or designee, is hereby authorized to take such actions as are necessary and appropriate to implement this Resolution.

**BE IT FURTHER RESOLVED** that this Resolution shall take effect immediately upon its adoption.

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**PASSED, APPROVED, AND ADOPTED** by the Oversight Board for the Successor Agency to the former Lemoore Redevelopment Agency at a regular meeting this 23<sup>rd</sup> day of August 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

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John Plourde, Chairperson

ATTEST:

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Mary Jane French, Board Clerk

**CERTIFICATE**

**STATE OF CALIFORNIA )**  
**COUNTY OF KINGS ) ss.**  
**CITY OF LEMOORE )**

**I, MARY JANE FRENCH**, Board Clerk of the City of Lemoore, do hereby certify the forgoing Resolution of the Lemoore Oversight Board for the Lemoore Successor Agency to the former Lemoore Redevelopment Agency was duly passed and adopted at a Regular Meeting of the Oversight Board held on August 23, 2012.

DATED: August 23, 2012

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Mary Jane French, Board Clerk