

**REGULAR MEETING OF THE  
OVERSIGHT BOARD OF THE SUCCESSOR AGENCY  
TO THE FORMER MADERA REDEVELOPMENT AGENCY**

**Monday, June 18, 2012**

**9:00 a.m. – Regular Session**

City of Madera City Hall – Council Chambers  
205 West Fourth Street, Madera, California

**Action/Summary Minutes**

**1. CALL TO ORDER – REGULAR SESSION**

Meeting called to order by the Chairperson Brett Frazier at 9:00 a.m.

**ROLL CALL**

**Board Members Present:**

Brett Frazier, Chairperson  
Stell Manfredi, Vice-Chairperson  
Ronn Dominici, Board Member  
Donald Horal, Board Member  
Dr. Cecilia Massetti, Board Member

**Board Member Absent:**

Ric Arredondo, Board Member

**Board Member Abstention:**

Bob Wilson, Board Member  
(Mr. Wilson stated he would abstain from voting on all agenda items to avoid a potential conflict of interest as he would be presenting the staff reports in the absence of the Executive Director.)

**Staff Members Present:**

Successor Agency Business Manager Bob Wilson, Successor Agency Secretary Sandi Brown.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by Board Member Ronn Dominici.

**PUBLIC COMMENT**

The first fifteen minutes of the meeting are reserved for members of the public to address the Board on items which are within the subject matter jurisdiction of the Board. Speakers shall be limited to three minutes. Speakers will be asked to identify themselves and state the subject of their comment. If the subject is an item on the Agenda, the Chairperson has the option of asking the speaker to hold the comment until that item is called. Comments on items listed as a Public Hearing on the Agenda should be held until the hearing is opened. The Board is prohibited by law from taking any action on matters discussed that are not on the Agenda, and no adverse conclusions should be drawn if the Board does not respond to public comment at this time.

No public comments were offered.

**2. CONSENT CALENDAR**

**2.1** Minutes of the Special Meeting of the Oversight Board for May 9, 2012.

**Action:** Approval of the Minutes of the Special Meeting of the Oversight Board for May 9, 2012 as presented on the Consent Calendar.

**Moved by:** Board Member Dominici; seconded by Board Member Massetti

Vote: 4/0. Ayes: Board Members Frazier, Dominici, Horal, and Massetti; Noes: None; Absent: Board Member Arredondo; Abstention: Board Members Wilson and Manfredi (Board Member Manfredi was absent at the 5/9/12 meeting)

### 3. PRESENTATIONS/ADMINISTRATIVE REPORTS

There are no items for this section.

### 4. NEW BUSINESS

#### 4.1. **Consideration of Resolutions Acknowledging and Approving the Sale of Property and Approving the Disposition and Development Agreement with Camarena Health for Property Located at 124 South "A" Street, Madera, CA, APN 007-165-006**

*Board Member Massetti stated she wished to recuse herself from participating in this item citing a conflict of interest as Board Member of Camarena Health and exited the Council Chambers at 9:04 a.m.*

Summary of staff report/recommendation: Mr. Wilson presented the staff report advising that the property located at 124 South A Street was previously acquired by the Redevelopment Agency and was transferred to the Successor Agency upon dissolution. At a meeting on June 13, 2012, he said the City Council and Successor Agency held a joint public hearing to consider the sale of Agency-owned property to Camarena Health for the construction of a medical facility and approved the sale. He explained that the property is being sold at fair market value as determined by an appraisal. Staff is requesting that the Oversight Board adopt the resolutions approving the sale of the property and the Disposition and Development Agreement. Discussion followed.

Action: Adopted Resolution No. OB 12-16, approving the sale of the property known as 124 South 'A' Street for the construction of a 16,000± square foot building that will house medical and dental services on the site.

Moved by: Board Member Dominici; seconded by Board Member Horal

Vote: 4/0. Ayes: Board Members Frazier, Manfredi, Dominici, and Horal; Noes: None; Absent: Board Member Arredondo; Abstention: Board Members Wilson and Massetti

Action: Adopted Resolution No. OB 12-17, approving the Disposition and Development Agreement for the construction of a 16,000± square foot building that will house medical and dental services on the site located at 124 South 'A' Street.

Moved by: Board Member Dominici; seconded by Board Member Horal

Vote: 4/0. Ayes: Board Members Frazier, Manfredi, Dominici, and Horal; Noes: None; Absent: Board Member Arredondo; Abstention: Board Members Wilson and Massetti

*Board Member Massetti returned to the Chambers at 9:09 a.m.*

#### 4.2. **Consideration of a Resolution Acknowledging and Approving an Amendment to the Operation Civic Pride Agreement with Madera Sunrise Rotary for Improvements at Madera Sunrise Rotary Sports Complex**

Summary of staff report/recommendation: Mr. Wilson presented the staff report advising that the former Redevelopment Agency entered into an Operation Civic Pride agreement with Madera Sunrise Rotary to construct an entry sign and improve the landscaping for the sports complex. The project was completed with funds remaining due to a high number of donations. The Rotary is requesting that the project scope be amended allowing the remaining funds to be used for the construction of restrooms. He said the remaining balance is on a purchase order and listed on the ROPS as an outstanding balance. The Successor Agency approved the amended agreement at their June 13, 2012 meeting and staff is recommending that the Oversight Board acknowledge and approve the amended agreement. Discussion followed.

Action: Adopted Resolution No. OB 12-18, approving amendment to the Operation Civic Pride Grant to Madera Sunrise Rotary Club.

Moved by: Board Member Manfredi; seconded by Board Member Massetti

Vote: 5/0. Ayes: Board Members Frazier, Manfredi, Dominici, Horal and Massetti; Noes: None; Absent: Board Member Arredondo; Abstention: Board Member Wilson.

**4.3. Consideration of a Resolution Acknowledging and Approving an Agreement for Neighborhood Revitalization Services Funded by the City of Madera**

Summary of staff report/recommendation: Mr. Wilson presented the staff report advising that Community Development Block Grant funds were awarded to the Successor Agency to continue to supervise the neighborhood revitalization programs for 2012/13 and CDBG requires that an agreement be executed. He said that the receipt of CDBG funds is shown as revenue on the approved ROPS. The Successor Agency approved the agreement at the June 13, 2012 meeting and the City Council will approve the agreement at their meeting this Wednesday. Discussion followed.

Action: Adopted Resolution No. OB 12-19, approving the 2012/2013 Community Development Block Grant agreement for services with the City of Madera and ratifying execution of the agreement by the Executive Director.

Moved by: Board Member Manfredi; seconded by Board Member Dominici

Vote: 5/0. Ayes: Board Members Frazier, Manfredi, Dominici, Horal and Massetti; Noes: None; Absent: Board Member Arredondo; Abstention: Board Member Wilson.

**5. GENERAL**

There are no items for this section.

**6. BOARD MEMBER REPORTS**

No Board Member reports were given by the members.

**7. ADJOURNMENT**

The meeting was adjourned at 9:17 a.m.

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Sandi Brown, Agency Secretary

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Brett Frazier, Chairperson

**REPORT TO THE OVERSIGHT BOARD  
OF THE SUCCESSOR AGENCY TO THE FORMER  
MADERA REDEVELOPMENT AGENCY**

BOARD MEETING OF: July 16, 2012

AGENDA ITEM NUMBER: 3.1

APPROVED BY:

  
Executive Director

**Subject: Discussion on Assembly Bill 1484**

**Summary: The Oversight Board will be provided with a brief summary of Assembly Bill 1484.**

**HISTORY/BACKGROUND**

As part of the FY 2012-2013 state budget package, on June 27, 2012, the legislature passed and the governor signed AB 1484. The primary purpose was to make technical and substantive amendments to the Dissolution Act. The bill was written and passed without local input. A copy of the League of Cities summary is attached.

The bill has added significant new or modified actions and deadlines, with major compliance consequences if deadlines are missed. The League summary of important deadlines is also attached.

**SITUATION**

Staff is still working through the various elements of the bill. Given that it was enacted two (2) days after it appeared in print, there are a lot of questions and not a lot of analysis is available.

**RECOMMENDATION**

Provided for your information – no action is required.

JET:sb

Attachments



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## Major Provisions of AB 1484<sup>1</sup>

### 1. **Three payments:** Successor agency must make three payments:

- July 12: Taxing entities' share of December 2011 property tax distribution to redevelopment agency/successor agency
- November 9 +/-: Low-Moderate Income Housing Fund
- April 10 +/-: Unencumbered cash

In addition to these three payments, if a successor agency did not make complete 2011-12 pass-through payments, amount of payment not made will be deducted from property tax distribution from auditor-controller.<sup>2</sup>

### 2. **New audit by October 1:** Successor agency must retain licensed accountant to audit books:<sup>3</sup>

- Audit of LMIHF
- Audit of cash assets
- Audit of cash transfers to public agencies and private parties<sup>4</sup>

### 3. **New penalties:**

- Failure to make July 12 payment: successor agency subject to civil penalty of 10% of the amount owed plus 1.5% of the amount owed for each month that payment is not made unless DOF finds that payment of penalty will jeopardize payment of enforceable obligations. Until payment is made,

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<sup>1</sup> The League will continue to refine this analysis with the assistance of its RDA Attorney Working Group and other city officials.

<sup>2</sup> Additional information about these payments is found in the Appendix.

<sup>3</sup> Agreed-upon procedures audit completed by auditor-controller can substitute for the licensed accountant audit if it includes all statutory requirements

<sup>4</sup> Successor agency must attempt to recover cash transferred to public agency without an enforceable obligation.

successor agency may only pay bond debt. City subject to same civil penalty. City will not receive July 18 sales tax payment (up to amount owed).<sup>5</sup>

- Failure to transfer LMIHF funds: Offset of city sales tax or property tax of the amount required to be transferred<sup>6</sup>
- Failure to transfer cash assets: Offset of city sales tax or property tax of the amount required to be transferred<sup>7</sup>
- Failure to recover cash transferred to local agency without enforceable obligation: Offset of sales tax or property tax of the local agency to which the cash was transferred.<sup>8</sup>
- Failure to submit ROPS by September 1, 2012 and subsequent deadlines: City to pay civil penalty of \$10,000 per day for each day beyond deadline

#### 4. Safe Harbor: Finding of Completion<sup>9</sup>

The Department of Finance will issue a finding of completion to a successor agency that pays the following amounts:

- ✓ The amount determined in the audit of the LMIHF<sup>10</sup>
- ✓ The amount determined in the audit of all other funds<sup>11</sup>
- ✓ The amount (if any) owing to taxing entities from the December 2011 property tax payment<sup>12</sup>

The following applies to a successor agency that is issued a finding of completion:

- ✓ Loan agreements entered into between the redevelopment agency and the city are deemed to be enforceable obligations if oversight board makes a finding that loan was for legitimate redevelopment purposes. As enforceable obligations, payments are listed on ROPS<sup>13</sup>.

Repayments of loans may not begin prior to 2013-14 fiscal year at maximum amount described in statute. Repayment amounts received by city must first be used to retire outstanding amounts borrowed and owed to LMIHF of the

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<sup>5</sup> Section 34183.5(b)(2)

<sup>6</sup> Section 34179.6(h)

<sup>7</sup> Section 34179.6(h)

<sup>8</sup> Section 34179.6(h); see, also 34179.8

<sup>9</sup> Section 34191.1.

<sup>10</sup> Section 34179.6

<sup>11</sup> Section 34179.6

<sup>12</sup> Section 34183.5

<sup>13</sup> DOF continues to retain final authority to approve items listed on ROPS.

July 2, 2012

former redevelopment agency for purposes of the SERAF payment. 20% of loan repayment amount must be transferred to LMIH Asset Fund.<sup>14</sup>

- ✓ Bond proceeds derived from bonds issued on or before 12/31/10 shall be used for the purposes for which the bonds were sold. Proceeds which cannot be spent consistent with bond covenants shall be used to defease the bonds or to purchase those same outstanding bonds on the open market for cancellation.<sup>15</sup> Use of bond proceeds listed on ROPS.<sup>16</sup>
- ✓ Real property assets: In lieu of the provisions of AB 26 which require disposal of real property assets at the direction of the oversight board, successor agency prepares a long-range property management plan and submits to oversight board and DOF for approval. Permissible uses of property include retention for governmental use; retention for future development; sale of property; use of the property to fulfill enforceable obligations. If plan directs use or liquidation of property for a project identified in an approved redevelopment plan, the property shall transfer to the city. No transfers until plan approved by oversight board and DOF.<sup>17</sup>
- ✓ Statute of Limitations: The longer statutes of limitations (2 years) to challenge actions of the former redevelopment agencies do not apply.<sup>18</sup>

## 5. New Power of State Controller<sup>19</sup>

AB 1484 directs the Controller to review the activities of successor agencies to determine whether an asset transfer occurred after January 31, 2012, between the successor agency and the city or county that created the redevelopment agency, or any other public agency that was not pursuant to an enforceable obligation on an approved ROPS. The Controller is directed to order the assets returned to the successor agency. "City" is defined very broadly to include any entity which is controlled by the city or for which the city is financially responsible or accountable.<sup>20</sup>

## 6. Increase in authority for Department of Finance

- DOF may eliminate or modify any item on an oversight board-approved ROPS. The auditor-controller must distribute property tax in accordance with changes made to the ROPS by DOF. If successor agency disputes DOF

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<sup>14</sup> 34191.4(b)(2).

<sup>15</sup> 34191.4(c)

<sup>16</sup> DOF continues to retain final authority to approve items listed on ROPS.

<sup>17</sup> Section 34191.5

<sup>18</sup> Section 33500, 33501

<sup>19</sup> Section 34178.8

<sup>20</sup> Section 34167.10. AB 26 directed the State Controller to review asset transfers from redevelopment agencies to the city or county that created the agency that occurred after January 1, 2011. If the city or county was not contractually committed to a third party for the expenditure or encumbrance of those assets, the Controller was directed to order the return the assets to the redevelopment agency or successor agency.

action, disputed item may be carried on ROPS. If dispute resolved in favor of successor agency in the future, the past allocation of property tax to the successor agency is not changed nor is a "liability" created for any affected taxing entity.<sup>21</sup>

- DOF may review and object to oversight board actions approving (1) establishment of new repayment terms for outstanding loans; and (2) setting aside amounts in reserves as required by bond indentures, and similar documents<sup>22</sup>

## 7. New restrictions on authority of Successor agency

- No new enforceable obligations except (1) as specifically authorized by the statute; (2) in compliance with enforceable obligations that existed prior to June 28, 2011; or (3) to hire staff, acquire professional services and procure insurance.<sup>23</sup>
- May not transfer revenues or powers to any other public or private party except pursuant to enforceable obligation on an approved ROPS. Any such transfer of authority or revenues are "void" and successor agency required to reverse transfers. Controller may audit and order return of transfers of authority or revenues.<sup>24</sup>
- Actions taken by redevelopment agencies pursuant to VARP (Voluntary Alternative Redevelopment Program in AB 27) are "ultra vires" and do not create enforceable obligations.<sup>25</sup>
- If successor agency exercised power to reenter into agreements with city (section 34178) and agreement was approved by oversight board but rejected by DOF, successor agency and oversight board may not act to restore funding for the reentered agreement.<sup>26</sup>
- No reestablishment of loan agreements between successor agency and city except pursuant to safe harbor provisions.<sup>27</sup>

## 8. Miscellaneous

- City loans to successor agency: City may loan or grant funds for administrative costs, enforceable obligations or project-related expenses. Receipt and use of these funds shall be reflected on the ROPS or in the

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<sup>21</sup> Section 34179(h)

<sup>22</sup> Section 34181(f)

<sup>23</sup> Section 34177.3(a); 34177.3(b)

<sup>24</sup> Section 34177.3(c)

<sup>25</sup> Section 34177.3(d)

<sup>26</sup> Section 34178(a)

<sup>27</sup> Section 34180(a)



administrative budget subject to oversight board approval. An enforceable obligation is created for repayment of loans.<sup>28</sup>

- New Oversight Board Provisions<sup>29</sup>
  - ✓ Auditor-controller may determine “largest special district”
  - ✓ Section 1090 does not apply to employee representative on oversight board
  - ✓ Oversight board members are protected by immunities applicable to public entities and public employees
  - ✓ Meetings at which oversight board will consider disposal of successor agency assets or allow set-aside of reserves required by bond indentures requires 10 days’ public notice.<sup>30</sup>
  - ✓ Written notice and information about all oversight board actions must be provided to DOF by electronic means. DOF has 40 (instead of 10) days to review and approve, reject, or modify oversight board action.
  - ✓ Oversight board may direct successor agency to provide additional legal or financial advice.
  - ✓ Authorized to contract with the county or other public or private agencies for administrative support
  - ✓ On matters within its purview, decisions made by oversight board “supersede those made by the successor agency or the staff of the successor agency.”<sup>31</sup>
- New authority for auditor-controller<sup>32</sup>: A county auditor-controller can object to an item on the ROPS or to the funding source listed for an item on the ROPS. Objections are sent to DOF to resolve.
- Polanco Act protection for successor agency: Cleanup plans and liability limits of redevelopment agency transferred to successor agency and to housing entity, upon entity’s request.<sup>33</sup>
- Limited authority for successor agency to refinance existing debt.<sup>34</sup>
- Successor agency is separate public entity.<sup>35</sup>

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<sup>28</sup> Section 34175(h)

<sup>29</sup> Section 34180

<sup>30</sup> Section 34181(f)

<sup>31</sup> Section 34179

<sup>32</sup> Section 34182.5

<sup>33</sup> Section 34173(f)

<sup>34</sup> Section 34177.5

<sup>35</sup> Section 34173(g)

## Appendix – Successor Agency Required Payments/Fund Transfers

### ✓ **Transfer of Unencumbered Balances<sup>36</sup>**

AB 26 requires that a successor agency transfer unencumbered cash balances and low and moderate income housing funds to the county auditor-controller for distribution to the taxing entities. AB 1484 requires a successor agency to retain the services of a licensed accountant to audit (1) the balance in the LMIHF; (2) the balance in other cash funds; (3) cash payments that were made in compliance with an enforceable obligation; and (4) cash transfers that were made without an enforceable obligation. In addition to transferring the balances in the LMIHF and other cash funds, a successor agency must make efforts to recover the cash transferred without an enforceable obligation.

### ✓ **Payment of December 2011 Taxing Entity Property Tax<sup>37</sup>**

AB 26 distributes property tax through a “waterfall” of payments which includes passthrough payments, payments to successor agencies for enforceable obligations, payments to successor agencies for administrative costs, and payments to taxing entities. The waterfall for the December 2011 property tax payment did not operate as intended because of the stay imposed by the Court in *Matosantos*. The property tax payment to taxing entities was not made. AB 1484 requires successor agencies to make those payments by July 12.

### ✓ **Payment of 2011-12 Passthrough Payments**

Some successor agencies made 2011-12 passthrough payments and some did not. AB 1484 requires the auditor-controller to reduce property tax payments to those successor agencies that did not make pass through payments in 2011-12.

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<sup>36</sup> Section 34179.5; 34179.6

<sup>37</sup> Section 34183.5



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#### AB 1484: Important Dates

- July 9: County auditor-controller notifies successor agency of amount of funds owing taxing entities based upon December 2011 property tax payment<sup>1</sup>
- July 12: Successor agency must make payment to auditor-controller for deposit into Redevelopment Property Tax Trust Fund and distribution to taxing entities.<sup>2</sup>
- July 16: Auditor-controller distributes money received from successor agencies to taxing entities. Monies received after July 12 date distributed within 5 days of receipt.<sup>3</sup>
- July 18: **City sales tax payment suspended if successor agency doesn't make July 12 payment.**<sup>4</sup>
- August 1: Successor housing entity must submit to DOF a list of housing assets that contains explanation of how assets meet criteria set forth in the law. DOF will prescribe format for list. DOF may object to any of the assets within 30 days. If after meet and confer, DOF continues to object, asset must be returned to the successor agency.<sup>5</sup>
- August 10: Successor housing entity notifies successor agency of any designations of use or commitments of funds that successor housing entity authorizes successor agency to retain.<sup>6</sup>
- August 15 +/-: Oversight board meets to consider ROPS for January 1, 2013 through June 30, 2013 which must be submitted to DOF by September 1.
- September 1: ROPS for January 1, 2013 through June 30, 2013 must be submitted electronically to DOF after oversight board approval.<sup>7</sup> DOF makes determinations within 45 days. Within 5 days of determination, successor agency may request additional review and meet and confer.

<sup>1</sup> Section 34183.5(b)(2)(A). Note: The statute, that may be drafted in error, states that if June 1 property tax payment has not been made to successor agencies, the amount owing to taxing entities will be deducted from that same June 1 payment (34183.5(b)(1)).

<sup>2</sup> Section 34183.5(b)(2)(A).

<sup>3</sup> Section 34183.5(b)(2)(A).

<sup>4</sup> Section 34183.5(b)(2)(A)

<sup>5</sup> Section 34176(a)(2). Definition of "housing asset" found at section 34176(e).

<sup>6</sup> Section 34179.6(c)

<sup>7</sup> Section 34177(m). Future ROPS must be submitted to DOF 90 days prior to property tax distribution. **City subject to civil penalty of \$10,000 per day for successor agency's failure to timely submit ROPS (Section 34177(m)(2)).**

- October 1: Auditor-controller may provide notice to successor agency of any objections to items on January – June 2013 ROPS.<sup>8</sup>
- October 1: Successor agency submits to oversight board, county auditor-controller, State Controller, and DOF results of the review of the LMIHF conducted by the licensed accountant agency must retain.<sup>9</sup> Note: licensed accountant must be approved by the county auditor-controller.
- October 1: County auditor-controller completes agreed-upon procedures audit of each redevelopment agency.<sup>10</sup> Auditor-controller provides estimate of property tax payments to successor agency for upcoming six-month period.<sup>11</sup>
- October 15: Oversight Board must review, approve, and transmit LMIHF audit to DOF, auditor-controller. Note that oversight board must hold a public session to consider audit at least five business days prior to the meeting of oversight board in which LMIHF audit is considered for approval.<sup>12</sup>
- November 9: Last day for DOF to complete review of LMIHF audit and reports findings, determinations, and decision to overturn oversight board decision to allow retention of successor agency assets.<sup>13</sup>

W/in 5 days of receipt of DOF

audit findings: Successor agency may request meet and confer to resolve disputes with DOF findings on LMIHF audit.<sup>14</sup> DOF must confirm or modify its determination and decisions within 30 days.

W/in 5 days of receipt of DOF final audit

determination: Successor agency to transfer LMIHF funds to auditor-controller.<sup>15</sup> **City sales tax/property tax may be offset for unfunded amounts.**

December 1: Successor agency may report to auditor-controller that total amount of available revenues will be insufficient to fund enforceable obligations.<sup>16</sup>

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<sup>8</sup> Section 34182.5.

<sup>9</sup> Section 34179.6(a). The requirement to retain a licensed accountant is found in section 34179.5. The audit provided by the county auditor-controller can be substituted for an audit by a licensed accountant if it contains the information required by Section 34179.5.

<sup>10</sup> Section 34182(a)(1).

<sup>11</sup> Section 34182(c)(3)

<sup>12</sup> Section 34179.6(c) and (b)

<sup>13</sup> Section 34179.6(d)

<sup>14</sup> Section 34179.6(e)

<sup>15</sup> Section 34179.6(f)

<sup>16</sup> Section 34183(b)

December 15: Successor agency submits to oversight board, county auditor-controller, State Controller, and DOF results of the review of all other fund and account balances by licensed accountant.<sup>17</sup>

### 2013

- January 2: Auditor-controller makes distributions of property tax for January – June 2013 ROPS.<sup>18</sup>
- January 15: Oversight board must review, approve, and transmit other funds audit to DOF, auditor-controller.<sup>19</sup>
- March 3: Successor agency submits ROPS for July 1, 2013 through December 31, 2013 to DOF after oversight board approval.<sup>20</sup>
- April 1: County auditor-controller provides estimate of property tax payments to successor agency for upcoming six-month period.<sup>21</sup>
- April 1: DOF completes review of other funds audit and reports findings, determinations, and decision to overturn oversight board decision to allow retention of successor agency assets.<sup>22</sup>
- April 6 +/-: No later than 5 days after receiving DOF determination on other funds audit, successor agency may request meet and confer to resolve disputes with DOF findings. DOF must confirm or modify its determination and decisions within 30 days.
- April 10: +/- Successor agency to transfer other “cash and assets” audit payment to auditor-controller if meet and confer process complete.<sup>23</sup> **City sales tax/property tax may be offset for unfunded amounts.**
- May 1: Successor agency reports to auditor-controller if total amount of available revenues will be insufficient to fund enforceable obligations.<sup>24</sup>

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<sup>17</sup> Section 34179.6(a).

<sup>18</sup> Section 34183(b).

<sup>19</sup> Section 34179.6(a).

<sup>20</sup> Section 34177(m).

<sup>21</sup> Section 34182(c)(3)

<sup>22</sup> Section 34179.6(a)

<sup>23</sup> Section 34179.6(f). The statute does not allow sufficient time between completion of DOF review on April 1 and required payment on April 10.

<sup>24</sup> Section 34183(b).

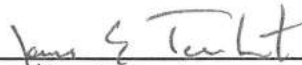
June 28, 2012

**REPORT TO THE OVERSIGHT BOARD  
OF THE SUCCESSOR AGENCY TO THE FORMER  
MADERA REDEVELOPMENT AGENCY**

BOARD MEETING OF: July 16, 2012

AGENDA ITEM NUMBER: 4.1

APPROVED BY:

  
Executive Director

**Subject:** Consideration of Resolutions Acknowledging and Approving the Transfer of Right-of-Way Property Located at the NE Corner of Clinton and Tozer Streets from the Successor Agency of the former Madera Redevelopment Agency to the City of Madera

**Summary:** The Oversight Board will consider a resolution acknowledging and approving the transfer of 136.96 sf of right-of-way on the NE corner of Clinton and Tozer Streets from the Successor Agency to the City of Madera.

**HISTORY/BACKGROUND**

By previous action, the former Redevelopment Agency acquired 136.96 sf of property at the northeast corner of Clinton and Tozer to accommodate the installation of a traffic signal. Given the nature of the land use, the City of Madera would be the more appropriate owner of the property.

**RECOMMENDATION**

Staff recommends the Oversight Board adopt the resolution acknowledging and approving the transfer of right-of-way property totaling 136.96 sf on the NE corner of Clinton and Tozer Streets from the Successor Agency of the former Madera Redevelopment Agency to the City of Madera.

JET:sb

Attachment:

- Resolution
- Site Location Map

RESOLUTION NO. OB \_\_\_\_\_

RESOLUTION OF THE OVERSIGHT BOARD TO THE SUCCESSOR AGENCY TO THE FORMER MADERA REDEVELOPMENT AGENCY OF THE CITY OF MADERA, CALIFORNIA APPROVING THE CONVEYANCE REAL PROPERTY LOCATED AT THE NORTHEAST CORNER OF CLINTON AND TOZER STREETS IN THE CITY OF MADERA

WHEREAS, the Legislature of the State of California enacted Assembly Bill AB 1x26 dissolving redevelopment agencies in the State of California; and

WHEREAS, the Madera Redevelopment Agency designated the City of Madera as Successor Agency to the Madera Redevelopment Agency by Resolution No. MRA – 1497 adopted on January 12, 2012; and

WHEREAS, the City of Madera accepted its role as Successor Agency to the former Madera Redevelopment Agency by Resolution No. CC 12-08 adopted on January 12, 2012; and

WHEREAS, the Successor Agency to the former Madera Redevelopment Agency acknowledged the transfer of Properties pursuant to Health and Safety Code Section 34175(b) acquired with Redevelopment Non-Housing Tax Increment and Tax Allocation Bond Proceeds from the Madera Redevelopment Agency to the City of Madera as the Successor Agency to the former Madera Redevelopment Agency; and

WHEREAS, the Successor Agency to the former Madera Redevelopment Agency (the ‘Agency’) has offered to the City of Madera (the ‘City’), approximately 136.96 sf of right-of-way property located on the northeast corner of Clinton and Tozer Streets (the ‘Property’); and

WHEREAS, the Property is more specifically described in the Grant Deed on file in the office of the City Clerk for more particulars; and

WHEREAS, the conveyance of the Property was deemed to be categorically exempt and to have no significant impacts on the environment pursuant to the California Environmental

Quality Act; and

WHEREAS, conveyance of the Property is consistent with the General Plan of the City of Madera.

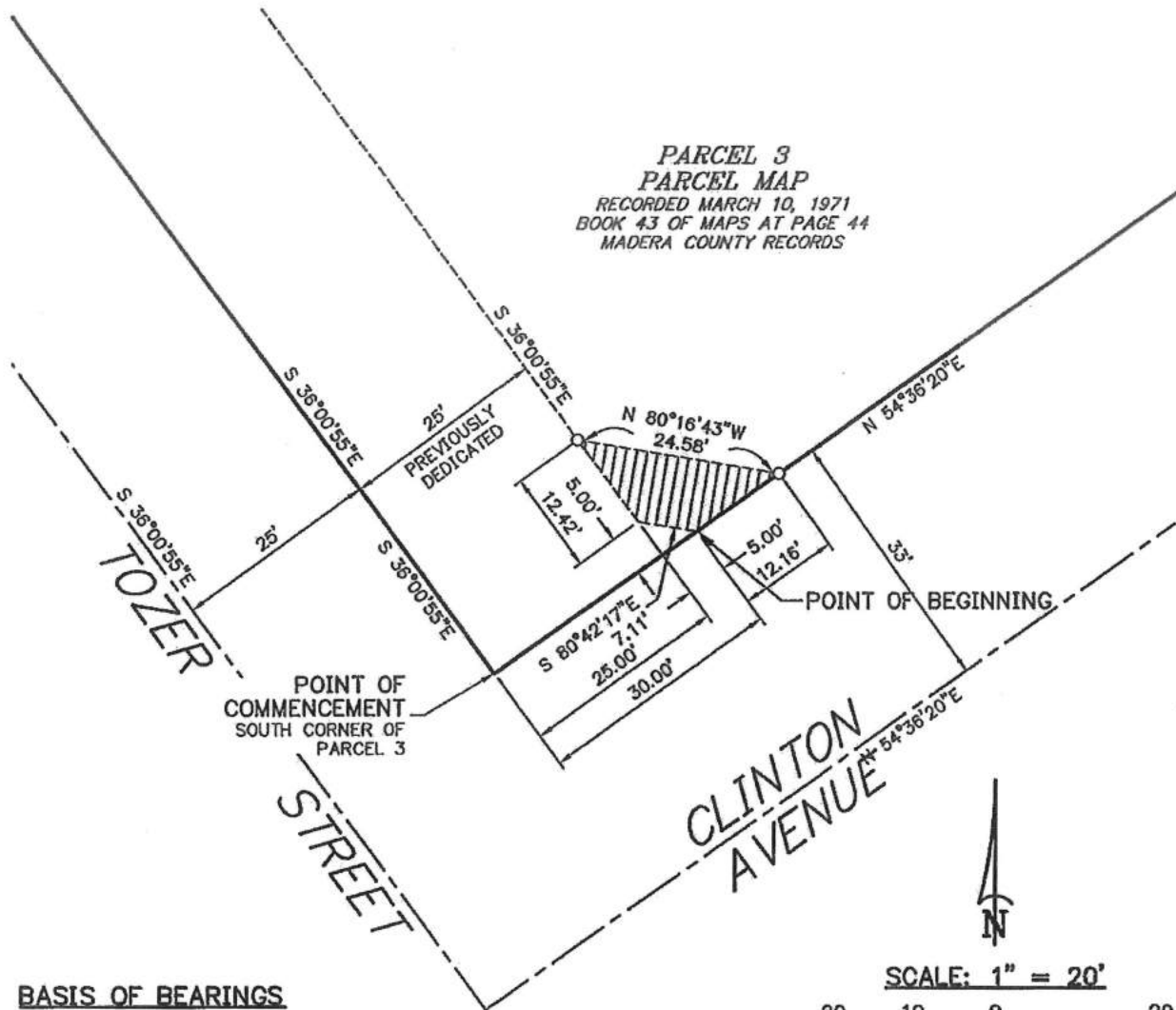
NOW, THEREFORE, THE OVERSIGHT BOARD TO THE SUCCESSOR AGENCY TO THE FORMER MADERA REDEVELOPMENT AGENCY hereby finds, determines, resolves and orders as follows:

1. The recitals listed above are true and correct.
2. The Oversight Board has reviewed and considered the proposed conveyance of the Property by Grant Deed executed by the Agency as approved and presented by the Successor Agency to the former Madera Redevelopment Agency, a copy of which is on file in the office of the Executive Director of the Successor Agency.
3. The Agreement as approved and presented by the Successor Agency to the former Madera Redevelopment Agency is hereby approved.
4. This resolution is effective immediately upon adoption.

\* \* \* \* \*

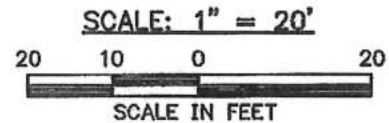


# SITE LOCATION MAP



## BASIS OF BEARINGS

THE SOUTHEAST LINE OF PARCEL 3 OF THAT CERTAIN PARCEL MAP RECORDED IN BOOK 16 OF MAPS AT PAGE 142, MADERA COUNTY RECORDS, WAS TAKEN TO BEAR S 54° 36' 20" E. AS SHOWN THEREON.



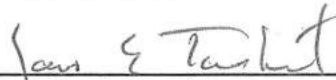
*The area identified contains ±136.97 square feet and represents the area being granted to the City of Madera*

**REPORT TO THE OVERSIGHT BOARD  
OF THE SUCCESSOR AGENCY TO THE FORMER  
MADERA REDEVELOPMENT AGENCY**

BOARD MEETING OF: July 16, 2012

AGENDA ITEM NUMBER: 4.2

APPROVED BY:

  
\_\_\_\_\_  
Executive Director

**Subject:** Consideration of Resolutions Acknowledging and Approving the Transfer of Right-of-Way Property Located at the SW Corner of Clinton and Tozer Streets from the Successor Agency of the former Madera Redevelopment Agency to the City of Madera

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**Summary:** The Oversight Board will consider a resolution acknowledging and approving the transfer of 197.69 sf of right-of-way on the SW Corner of Clinton and Tozer Streets from the Successor Agency to the City of Madera.

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**HISTORY/BACKGROUND**

By previous action, the former Redevelopment Agency acquired 197.69 sf of property at the southwest corner of Clinton and Tozer to accommodate the installation of a traffic signal. Given the nature of the land use, the City of Madera would be the more appropriate owner of the property.

**RECOMMENDATION**

Staff recommends the Oversight Board adopt the resolution acknowledging and approving the transfer of right-of-way property totaling 197.69 sf on the SW corner of Clinton and Tozer Streets from the Successor Agency of the former Madera Redevelopment Agency to the City of Madera.

JET:sb

Attachment:

- Resolution
- Site Location Map

RESOLUTION NO. OB \_\_\_\_\_

RESOLUTION OF THE OVERSIGHT BOARD TO THE SUCCESSOR AGENCY TO THE FORMER MADERA REDEVELOPMENT AGENCY OF THE CITY OF MADERA, CALIFORNIA APPROVING THE CONVEYANCE REAL PROPERTY LOCATED AT THE SOUTHWEST CORNER OF CLINTON AND TOZER STREETS IN THE CITY OF MADERA

WHEREAS, the Legislature of the State of California enacted Assembly Bill AB 1x26 dissolving redevelopment agencies in the State of California; and

WHEREAS, the Madera Redevelopment Agency designated the City of Madera as Successor Agency to the Madera Redevelopment Agency by Resolution No. MRA – 1497 adopted on January 12, 2012; and

WHEREAS, the City of Madera accepted its role as Successor Agency to the former Madera Redevelopment Agency by Resolution No. CC 12-08 adopted on January 12, 2012; and

WHEREAS, the Successor Agency to the former Madera Redevelopment Agency acknowledged the transfer of Properties pursuant to Health and Safety Code Section 34175(b) acquired with Redevelopment Non-Housing Tax Increment and Tax Allocation Bond Proceeds from the Madera Redevelopment Agency to the City of Madera as the Successor Agency to the former Madera Redevelopment Agency; and

WHEREAS, the Successor Agency to the former Madera Redevelopment Agency (the ‘Agency’) has offered to the City of Madera (the ‘City’), approximately 197.69 sf of right-of-way property located on the southwest corner of Clinton and Tozer Streets (the ‘Property’); and

WHEREAS, the Property is more specifically described in the Grant Deed on file in the office of the City Clerk for more particulars; and

WHEREAS, the conveyance of the Property was deemed to be categorically exempt and to have no significant impacts on the environment pursuant to the California Environmental

Quality Act; and

WHEREAS, conveyance of the Property is consistent with the General Plan of the City of Madera.

NOW, THEREFORE, THE OVERSIGHT BOARD TO THE SUCCESSOR AGENCY TO THE FORMER MADERA REDEVELOPMENT AGENCY hereby finds, determines, resolves and orders as follows:

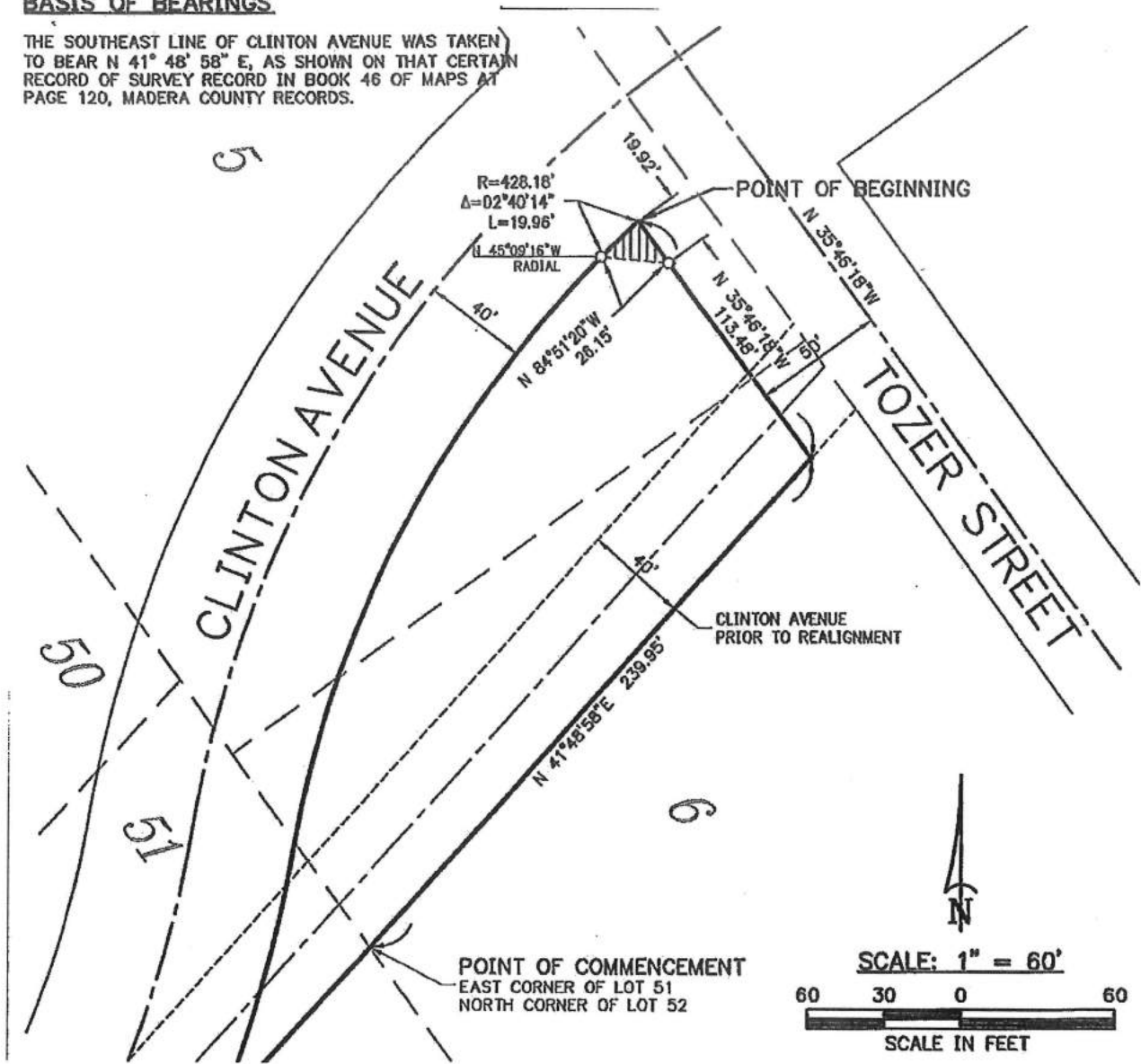
1. The recitals listed above are true and correct.
2. The Oversight Board has reviewed and considered the proposed conveyance of the Property by Grant Deed executed by the Agency as approved and presented by the Successor Agency to the former Madera Redevelopment Agency, a copy of which is on file in the office of the Executive Director of the Successor Agency.
3. The Agreement as approved and presented by the Successor Agency to the former Madera Redevelopment Agency is hereby approved.
4. This resolution is effective immediately upon adoption.

\* \* \* \* \*

# SITE LOCATION MAP

## BASIS OF BEARINGS

THE SOUTHEAST LINE OF CLINTON AVENUE WAS TAKEN TO BEAR N 41° 48' 58" E, AS SHOWN ON THAT CERTAIN RECORD OF SURVEY RECORD IN BOOK 46 OF MAPS AT PAGE 120, MADERA COUNTY RECORDS.



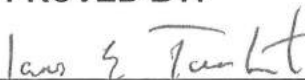
*The area identified contains ±197.69 square feet and represents the area being granted to the City of Madera*

**REPORT TO THE OVERSIGHT BOARD  
OF THE SUCCESSOR AGENCY TO THE FORMER  
MADERA REDEVELOPMENT AGENCY**

**BOARD MEETING OF:** July 16, 2012

**AGENDA ITEM NUMBER:** 4.3

**APPROVED BY:**

  
\_\_\_\_\_  
**Executive Director**

**Subject:** Consideration of a Resolution Acknowledging and Approving Reciprocal Easement Agreement between the Successor Agency and Camarena Health

**Summary:** The Oversight Board will consider a resolution acknowledging and approving a reciprocal easement agreement with Camarena Health.

**HISTORY/BACKGROUND**

Through the site plan review process of the proposed new Agency office site, certain requirements of the development were made. A requirement of the Planning Commission was that a reciprocal easement agreement between all owners present and future be entered into and recorded. The agreement grants to those grantees' successors and assigns, the certain easements in, upon, over, and across the indicated portions of real property as described in Exhibit 'A' and 'B' of the agreement.

By previous action, the former Madera Redevelopment Agency approved the reciprocal easement agreement at their meeting of June 9, 2010. The Madera County Recorder's Office did not record the document because a 'reciprocating' party was not identified.

**SITUATION**

Camarena Health has acquired 124 South A Street for the purpose of constructing a 16,000± square foot medical and dental office. The reciprocal easement agreement addresses issues related to vehicular and pedestrian access, solid waste, parking, water and sewer, and surface and water drainage.

**RECOMMENDATION**

Staff recommends the Oversight Board adopt the resolution acknowledging and approving the reciprocal easement agreement with Camarena Health.

JET:sb

Attachments:  
-Resolution  
-Agreement

RESOLUTION NO. OB \_\_\_\_\_

RESOLUTION OF THE OVERSIGHT BOARD TO THE SUCCESSOR AGENCY TO THE FORMER MADERA REDEVELOPMENT AGENCY OF THE CITY OF MADERA, CALIFORNIA APPROVING A RECIPROCAL EASEMENT AGREEMENT WITH CAMARENA HEALTH

WHEREAS, the Madera Planning Commission, as part of its site plan review process for the property located at 124 S. A Street in the City of Madera which is being developed by Camarena Health, has required a reciprocal easement agreement between all owners present and future of the properties located at 428 E. Yosemite and the aforementioned 124 S. A Street; and

WHEREAS, the former Madera Redevelopment Agency as the property owner of 428 East Yosemite Avenue and 124 South A Street adopted Resolution No. MRA-1412 on June 9, 2010 approving a Reciprocal Easement Agreement; and

WHEREAS, the County Recorder would not record the Reciprocal Easement Agreement because a reciprocating party was not specifically identified in the Agreement; and

WHEREAS, the City of Madera accepted its role as Successor Agency to the former Madera Redevelopment Agency (the "Successor Agency") by Resolution No. CC 12-08 adopted on January 12, 2012; and

WHEREAS, the Successor Agency approved the sale of 124 South A Street to Camarena Health at their meeting of June 13, 2012; and

WHEREAS, the Successor Agency wishes to enter into a Reciprocal Easement Agreement with Camarena Health; and

WHEREAS, the Successor Agency and Camarena Health agree to grant certain reciprocal easements on, upon, over and across the portions of real property as described in the agreement; and

WHEREAS, the Successor Agency has prepared and approved at it meeting on June 11, 2012, a Reciprocal Easement Agreement (The "Agreement") and such Agreement is on file in the office of the Executive Director of the Agency and referred to for more particulars.

NOW, THEREFORE, THE OVERSIGHT BOARD TO THE SUCCESSOR AGENCY TO THE FORMER MADERA REDEVELOPMENT AGENCY hereby finds, determines, resolves and orders as follows:

1. The recitals listed above are true and correct.
2. The Oversight Board has reviewed and considered the proposed Reciprocal Easement Agreement as approved and presented by the Successor Agency to the former Madera Redevelopment Agency.
3. The Agreement as approved and presented by the Successor Agency to the former Madera Redevelopment Agency is hereby approved.
4. This resolution is effective immediately upon adoption.

\* \* \* \* \*



COPY

RECORDING REQUESTED BY:  
The City of Madera as Successor Agency  
to the former the Madera Redevelopment Agency

AFTER RECORDING RETURN TO:  
Executive Director  
Successor Agency  
428 East Yosemite Avenue  
Madera, CA 93638

Fee waived per Section 27383 of the Government Code

No Fee Due \_\_\_\_\_

### RECIPROCAL EASEMENT AGREEMENT

FOR VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Madera Redevelopment Agency, by and through the City of Madera as Successor Agency to the former Madera Redevelopment Agency, the Owner of Parcel A as shown in the attached Exhibit "A", and Camarena Health, a Corporation the Owner of Parcel "B" as shown in the attached Exhibit "B", (collectively, "Grantor "or "Owners") HEREBY GRANT TO (i) all other Owners, (ii) the City of Madera as Successor Agency to the Former Madera Redevelopment Agency, a public body, corporate and politic, (iii) Camarena Health, a Corporation, and (iv) those grantees' successors and assigns, (collectively, "Grantee"), the following easements in, upon, over, and across the indicated portions of the described real property in the City of Madera, County of Madera, State of California as shown in Exhibits "A" and "B" attached hereto and made a part hereof (the "Property").

#### **Vehicular and Pedestrian Access**

A non-exclusive easement over such paved driveways as exist from time to time on the Property, for vehicular access among the Lots and between the Lots and adjoining public streets, and (b) an easement over such sidewalks as exist from time to time adjoining those driveways , for pedestrian access among the Lots and between the Lots and adjoining public streets. These access easements may be used solely by the Owners, their tenants, and the patrons and other invitees of any of them (collectively, the "Permitted Users") in connection with their lawful and reasonable activities at the Property (such activities, the "Permitted Activities").

#### **Solid Waste**

A non-exclusive easement for disposal of solid waste within the trash enclosure located on the Property from time to time by the Owners and their tenants in connection with their lawful and reasonable activities at the Property..

#### **Parking**

A non-exclusive easement for cross-parking on all paved parking stalls located on the Property from time to time, for use solely by the Permitted Users in connection with their Permitted Activities.

### Water and Sewer

A non-exclusive easement for water service and sanitary waste disposal through the mains therefore shown on the City-approved Utility Plan for the Property or as relocated from time to time, between the municipal service connection points in the adjacent public street(s) and the stub of each main on the Lot benefited thereby.

### Surface and Water Drainage

A non-exclusive easement for the drainage of surface water from each lot to the public drainage system, subject in all cases to the following:

- No Owner shall permit water to drain in any manner from its Lot onto adjacent Lots except as provided for in (i) grading and drainage plans which are approved by the City and (during any period when it owns Lot([s]) the City of Madera as Successor Agency to the former Madera Redevelopment Agency (the "Approved Plans"), and (ii) any master drainage plan adopted by City of Madera as Successor Agency to the former Madera Redevelopment Agency from time to time and approved by the City (any such plan, a "Master Drainage Plan"). This is to assure that storm water drains into approved detention areas on such lot or into such temporary ponding basins or public drainage system as are approved by the City from time to time (any such basins or system, the "Master Drainage System").
- It shall be the duty, responsibility, and expense of the discharging Owner not to discharge surface water onto other Lots in undue concentration or velocity, and to prevent same.
- In no event shall an Owner at any time fill, block, or obstruct any drainage facilities or drainage structures on its Lot in any manner which (i) prevents the flow of water from any other Lot pursuant to any other Owner's Approved Plans or the Master Drainage Plan, or (ii) prevents on-site storm water from draining into the Master Drainage System.
- There shall be no material change in grade or ground level, nor interference with the established drainage pattern over any Lot(s), unless adequate provision is first made for proper drainage with undue interference with the existing uses or reasonable future development of other Lot(s) and such change is approved by the City and (during any period when it owns Lot([s]) City of Madera as Successor Agency to the former Madera Redevelopment Agency. For purposes hereof, "established" drainage is defined as the drainage which existed at the recording of the Map in the Office of the County Recorder of Madera County or that which is shown on the Approved Plans for any Lot or the Master Drainage Plan.

All easement rights provided for in the Agreement shall be appurtenant to each grantee's Lot and shall pass automatically with title thereto, except as follows:

- The easements granted to City of Madera as Successor Agency to the former Madera Redevelopment Agency (A) are in gross to the extent that entity does not own a Lot from time to time, and during all such non-ownership periods, City of Madera as Successor

Agency to the former Madera Redevelopment Agency's easements are solely for the purpose of carrying out any duties or voluntary undertakings related to City of Madera as Successor Agency to the former Madera Redevelopment Agency's role as subdivider or developer, and (B) may only be assigned to one or more other persons or entities performing some or all of those functions. All Owners, by accepting title to their Lots, hereby grant the foregoing easements to all other Owners, for the benefit of their respective Lots and to City of Madera as Successor Agency to the former Madera Redevelopment Agency.

GRANTOR:  
City of Madera as Successor Agency to the  
Former Madera Redevelopment  
Agency

GRANTEE  
Camarena Health, a Corporation

By: \_\_\_\_\_  
Brett Frazier, Mayor

By: \_\_\_\_\_  
Paulo A. Soares, MHA  
Chief Executive Officer

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Attest: \_\_\_\_\_  
Sandi Brown, Agency Secretary

APPROVED AS TO FORM

\_\_\_\_\_  
J. Brent Richardson, General Counsel

*Signatures must be notarized*

## EXHIBIT "A"

Page 1 of 2

All that portion of the northwest quarter of Section 19, Township 11 South, Range 18 East, Mount Diablo Base and Meridian, according to the official plat thereof, bounded and described as follows:

Commencing at the intersection of the southeasterly line of Yosemite Avenue with the southwesterly line of "A" Street; thence southwesterly along the southeasterly line of Yosemite Avenue 74.91 feet; thence southeasterly at right angle 77 feet; thence northeasterly at right angle 74.91 feet to the southwesterly line of "A" Street; thence northwesterly along the southwesterly line of "A" Street 77 feet to the point of beginning.

Excepting therefrom all of the minerals, including and without limitations, all the oil, gas and other hydrocarbon substances but without any right to use the surface or that portion of said land lying within 100 feet of the surface, and also excepting the right to drill into and through said land below 100 feet from the surface, as reserved in deed from Texaco, Inc., a Delaware Corporation to Continental Service Company, a California Corporation, dated March 2, 1971, and recorded April 12, 1971 In Book 1088 of Official Records, Page 358, Madera County Records.

Together With:

Lots 6, 7, 8, 9, 10 in Block 69 of the Town (now City) of Madera, according to map entitled, "Map of Blocks 64 to 82, Inclusive, Town of Madera, &c.", filed and recorded in the office of the County Recorder of the County of Madera, State of California, November 10, 1904, In Volume 2 of Maps, at Page 9.

Together With:

All that portion of the H.S. Williams Lot in the City of Madera, facing on Yosemite Avenue, in the northwest quarter of Section 19, Township 11 South, Range 18 East, Mount Diablo Base and Meridian, according to the official plat thereof, more particularly described as follows:

Commencing at the northwesterly corner of Lot 6 in Block 69 of the City of Madera, according to map entitled, "Map of Blocks 64 to 82, Inclusive, Town of Madera, &c.", filed and recorded in the office of the County Recorder of the County of Madera, State of California, November 10, 1904, in Volume 2 of Maps, at Page 9, and running thence northwesterly at right angle with the northwesterly line of said Lot 6, a distance of 131.95 feet to the southerly line of Yosemite Avenue, In said City of Madera, thence northeasterly along the said line of Yosemite Avenue, 74.91 feet; thence at right angle southeasterly 131.95 feet to the said line of said Lot 6; thence southwesterly along said line of said Lot 6, a distance of 74.91 feet to the point of beginning.

## EXHIBIT "A"

Page 2 of 2

Together With:

All that portion of the northwest quarter of Section 19, Township 11 South, Range 18 East, Mount Diablo Base and Meridian, according to the official plat thereof, described as follows:

Commencing at the northerly corner of Lot 6 in Block 69 of the City of Madera, according to map entitled, "Map of Blocks 64 to 82, Inclusive, Town of Madera, &c.", filed and recorded in the office of the County Recorder of the County of Madera, State of California, November 10, 1904, in Volume 2 of Maps, at Page 9; thence south  $50^{\circ} 01' 41''$  west, along the northwest line of said Lot 6, a distance of 51.05 feet to the point of beginning; thence north  $39^{\circ} 58' 18''$  west, 55.01 feet to the northwest line of the property conveyed to David W. Holmes, etux, by deed recorded April 17, 1957 in Volume 692 of Official Records, Page 338, Madera County Records, Document No. 4235; thence south  $50^{\circ} 01' 00''$  west, along the northwest line of said Holmes property, 24 to the most westerly corner thereof; thence south  $39^{\circ} 58' 18''$  east along the southwesterly line thereof, 55.05 feet to the northwest line of said Lot 6; thence north  $50^{\circ} 01' 41''$  east, 24 feet to the point of beginning.

Said land being shown as Parcel 2 on that certain Parcel Map recorded February 10, 1971 In Book 16 of Maps, at Page 131, Madera County Records.

Together With:

All that portion of the northwest quarter of Section 19, Township 11 South, Range 18 East, Mount Diablo Base and Meridian, according to the official plat thereof, described as follows:

Beginning at the most northerly corner of Lot 6 In Block 69 of the City of Madera, according to map entitled, "Map of Blocks 64 to 82, Inclusive, Town of Madera, &c.", filed and recorded in the office of the County Recorder of the County of Madera, State of California, November 10, 1904, in Volume 2 of Maps, at Page 9; thence north  $39^{\circ} 49' 10''$  west, along the southwesterly line of "A" Street, 55.02 feet to the most northerly corner of the parcel of land conveyed to David W. Holmes, etux, by deed recorded April 17, 1957 in Volume 692 of Official Records, Page 338, Madera County Records, Document No. 4235; thence south  $50^{\circ} 01' 00''$  west, along the northwest line of said Holmes land, 51.20 feet to the most northerly corner of the parcel of land conveyed to Continental Service Company, a California Corporation, by deed recorded April 12, 1971 in Volume 1088 of Official Records, Page 355, Madera County Records, Document No. 4378; thence south  $39^{\circ} 58' 18''$  east along the northeasterly line thereof 55.01 feet of the northwest line of said Lot 6; thence north  $50^{\circ} 01' 41''$  east 51.05 feet to the point of beginning.

Said land being shown as Parcel 1 on that certain Parcel Map recorded February 10, 1971 in Book 16 of Maps, at Page 131, Madera County Records.

APN: 007-165-019

## EXHIBIT "B"

### LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF MADERA, COUNTY OF MADERA, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

Lots 11, 12, 13 and 14 in Block 69 of the Town (now City) of Madera, according to Map entitled, "Map of Blocks 64 to 82, Inclusive, Town of Madera, &c.", filed and recorded in the Office of the County Recorder of the County of Madera, State of California, November 10, 1904, in Volume 2 of Maps, at Page 9.

APN: 007-165-006