

CITY COUNCIL RESOLUTION NO. 25-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND APPROVING AND DIRECTING THE TRANSFER TO THE SUCCESSOR AGENCY OF CERTAIN PROPERTIES OF THE FORMER REDEVELOPMENT AGENCY PREVIOUSLY CONVEYED TO THE CITY AND DETERMINED TO BE DISALLOWED TRANSFERS OF ASSETS UNDER THE DISSOLUTION LAW

WHEREAS, Assembly Bill 1X 26, enacted in June 2011, and as modified by the Supreme Court of the State of California in the matter of *California Redevelopment Association, et al. v. Ana Matosantos, et al.*, Case No. S194861, and further modified by Assembly Bill 1484, enacted in June 2012, and other subsequently adopted legislation (collectively, the “Dissolution Act”) dissolved and set out procedures for the wind-down of the affairs of all redevelopment agencies throughout the State effective February 1, 2012; and

WHEREAS, the Successor Agency to the Richmond Community Redevelopment Agency (“Successor Agency”) is the successor entity to the former Richmond Community Redevelopment Agency (“Former Redevelopment Agency”) and is responsible for the wind-down of the affairs of the Former Redevelopment Agency, including without limitation the disposition of assets and properties of the Former Redevelopment Agency; and

WHEREAS, On May 6, 2011, the Former Redevelopment Agency transferred to the City 30 parcels of real property owned by the Former Redevelopment Agency; and

WHEREAS, as part of the dissolution of the Former Redevelopment Agency, Health and Safety Code Section 34167.5 required the State Controller to review the asset transfers between the Former Redevelopment Agency and the City after January 1, 2011; and

WHEREAS, in its Asset Transfer Review Report, dated November 12, 2013, the State Controller found that the land transferred to the City in 2011 was “unallowable” and ordered the City to reverse the transfer of those assets and turn them over to the Successor Agency; and

WHEREAS, Health and Safety Code Section 34179.9, added by SB 107 adopted in September 2015, provides, in part, that the City “shall return to the successor agency all assets transferred to the city... ordered returned pursuant to Section 34167.5;” and

WHEREAS, five of the parcels previously conveyed to the City were developed with public facilities and have continually been used for a governmental purpose, and on December 8, 2015, the Oversight Board approved and authorized retention of those five parcels by the City for continued governmental use, and that action by the Oversight Board regarding the retention and use of those five properties was noted in the Long Range Property Management Plan prepared by the Successor Agency and approved by the Oversight Board and the Department of Finance; and

WHEREAS, the remaining 25 parcels previously conveyed to the City, identified on Exhibit A attached hereto and incorporated herein by reference, were determined to be disallowed transfers and must be returned to the Successor Agency; and

WHEREAS, the proposed transfers back to the Successor Agency are clean-up administrative acts required to comply with the Order from the State Controller and provisions of the Dissolution Act; and

WHEREAS, by the Agenda Report accompanying this Resolution, the City Council has been provided with additional information upon which the findings and actions set forth in this Resolution are based.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RICHMOND DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Incorporation of Recitals. The foregoing recitals are true and correct, and are incorporated herein and made an operative part of this Resolution.

Section 2. Approval of Conveyance of Property. The City Council hereby authorizes and directs the reversal of the transfer of the properties listed in Exhibit A previously transferred by the Former Redevelopment Agency to the City, and conveyance by the City to the Successor Agency of any interest that the City may have in the properties listed in Exhibit A. The reversal of those disallowed transfers shall be accomplished, and title to such properties shall be transferred to the Successor Agency by grant deed, or other acceptable mechanism, in form and content acceptable to Successor Agency counsel and the City Attorney.

Section 3. Authorization to Implement Resolution. The City Council hereby authorizes and directs the City Manager to execute grant deeds, or other acceptable documentation, on behalf of the City and to take such other actions and execute such other documents as are necessary or convenient to effectuate such transfers, and conveyance of the properties identified on Exhibit A to the Successor Agency as contemplated in this Resolution, and in implementation of the Order of the State Controller’s Office and as required by Health and Safety Code Sections 34167.5 and 34179.9.

Section 4. CEQA. The City Council has determined that the transfer of land is exempt from the requirements of the California Environmental Quality Act (“CEQA”), pursuant to State CEQA Guidelines Section 15061(b)(3), because it can be seen with certainty that the mere transfer of title from the City to the Successor Agency will not have a significant effect on the environment.

Section 5. Severability. If any provision of this Resolution is held invalid, the remainder of this Resolution shall not be affected by such invalidity, and the provisions of this Resolution are severable.

Section 6. Effective Date. This Resolution shall become effective immediately upon its adoption.

I certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond and the Successor Agency to the Richmond Community Redevelopment Agency at a regular meeting thereof held March 15, 2016, by the following vote:

AYES: Councilmembers Bates, Beckles, McLaughlin, Myrick, Pimplé,
Vice Mayor Martinez, and Mayor Butt.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

PAMELA CHRISTIAN
CLERK OF THE CITY OF RICHMOND
(SEAL)

Approved:

TOM BUTT

Mayor

Approved as to form:

BRUCE GOODMILLER

City Attorney

State of California }
County of Contra Costa } : ss.
City of Richmond }

I certify that the foregoing is a true copy of **Resolution No. 25-16**, finally passed and adopted by the Council of the City of Richmond and the Successor Agency to the Richmond Community Redevelopment Agency at a regular meeting held on March 15, 2016.


Pamela Christian, Clerk of the City of Richmond

EXHIBIT A

REVERSAL OF ASSET TRANSFERS –
 PROPERTIES TO BE CONVEYED BY THE CITY TO THE SUCCESSOR AGENCY

| Property No. | APN | Address | |
|--------------|---|---------------------------------|--|
| 14 | 538-132-005, 538-132-006, 538-132-009, 538-132-010, 538-132-014, 538-250-001, 538-250-002, 538-250-004, 538-250-012, 538-260-009 | Harbour Way / Macdonald Avenue | City Deed 2011-0090761 City Deed 2011-0091762 City Deed 2011-0091763 City Deed 2011-0091764 City Deed 2011-0091765 City Deed 2011-0091767 City Deed 2011-0091783 City Deed 2011-0091768 City Deed 2011-0091767 City Deed 2011-0091769 |
| 18 | 540-081-001, 540-081-002, 540-081-003, 540-081-004, 540-081-005, 540-081-020, 540-081-021, 540-081-024, 540-081-025, 540-081-026, 540-092-016, 540-092-018 | Macdonald Avenue / Nevin Avenue | City Deed 2011-0091771 City Deed 2011-0091772 City Deed 2011-0091773 City Deed 2011-0091774 City Deed 2011-0091775 City Deed 2011-0091776 City Deed 2011-0091775 City Deed 2011-0091777 City Deed 2011-0091778 City Deed 2011-0091779 City Deed 2011-0091780 City Deed 2011-0091784 |
| 22 | 544-240-009 544-240-014 544-240-015 | Cutting Boulevard | City Deed 2011-0091781 |