

RESOLUTION NO. 84-18

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND,
CALIFORNIA, ACCEPTING EACH OF THE TWO RICHMOND TRANSIT VILLAGE
PHASE II PROJECTS KNOWN AS THE NEVIN AVENUE STREETScape
IMPROVEMENT PROJECTS, BART TO 19TH STREET AND 19TH STREET TO 27TH
STREET AS COMPLETE**

WHEREAS, the City Council of the City of Richmond (the "City Council") adopted the Amended and Restated Redevelopment Plan for the Merged Project Area, adopted by Ordinance No. 17-10 N.S., dated May 4, 2010 (the "Redevelopment Plan"); and

WHEREAS, The Redevelopment Plan set forth a plan for redevelopment of the Merged Project Area (the "Project Area"); and

WHEREAS, the Richmond Community Redevelopment Agency (the "former Agency") was responsible for administering the Redevelopment Plan to cause the redevelopment of the Project Area, including installation of public improvements consistent with the Redevelopment Plan; and

WHEREAS, as part of the 2011-12 State budget bill, the California Legislature enacted, and the Governor signed, companion bills AB 1X 26 and AB 1X 27, requiring that each redevelopment agency be dissolved unless the community that created it enacts an ordinance committing it to make certain payments; and

WHEREAS, a Petition for Writ of Mandate was filed in the Supreme Court of the State of California on July 18, 2011 (*California Redevelopment Association v. Ana Matosantos, et al.*, Case No. S194861), challenging the constitutionality of AB 1X 26 and AB 1X 27 on behalf of cities, counties and redevelopment agencies and requesting a stay of enforcement; and

WHEREAS, on December 29, 2011 the Supreme Court issued its final decision in the aforesaid litigation, upholding AB 1X 26, invalidating AB 1X 27 and extending all statutory deadlines under AB 1X 26, essentially dissolving all redevelopment agencies throughout the State effective February 1, 2012; and

WHEREAS, AB 1X 26 provides that successor agencies be designated as successor entities to the former redevelopment agencies, and provides that, with certain exceptions, all authorities, rights, powers, duties and obligations previously vested with the former redevelopment agencies, under the California Redevelopment Law, are vested in the successor agencies; and

WHEREAS, in accordance with Health and Safety Code ("HSC") Section 34173, the Successor Agency to the Richmond Community Redevelopment Agency ("Successor Agency") was created on January 24, 2012; and

WHEREAS, the obligation to design and construct the Richmond Transit Village Phase II Nevin Avenue Streetscape Improvement Projects (Projects), BART to 19th St. and 19th to 27th St. wherein both projects are included in the approved Recognized Obligation Payment Schedules ("ROPS") for the periods January 2015 to June 2015 ("ROPS 14-15B") and July 2015 to December 2015 ("ROPS 15-16A") as line item No. 55, approved by the Oversight Board of the Successor Agency at its meetings of September 17, 2014 and February 24, 2015 and beyond as needed for time, respectively, and in compliance with HSC 34177 (l); and

WHEREAS, the California State Department of Finance, by its letters of October 30, 2014 and April 10, 2015, approved ROPS 14-15B and ROPS 15-16A, respectively, which approval determined both Projects qualify as enforceable obligations; and

WHEREAS, HSC 34177 (a) requires that the Successor Agency make payments on debts and enforceable obligations listed on the approved ROPS; and

WHEREAS, the Successor Agency budgeted the necessary funds, including federal and local grant funds that the Successor Agency was able to secure for the construction of the Project, in the 2013-2015 Biennial Budget item “Metrowalk Transit Village Phase II Project”; and

WHEREAS, the Successor Agency, after a public bid process executed Construction Agreements with O.C. Jones & Sons, Inc. on April 7, 2015 for 19th to 27th St. and on June 16, 2015 for BART to 19th St. of the Richmond Transit Village Phase II Nevin Avenue Streetscape Improvements; and

WHEREAS, O.C. Jones & Sons, Inc. has also completed all of its obligations for the construction of each of the Richmond Transit Village Phase II Nevin Avenue Streetscape Improvement Projects being BART to 19th St. and 19th to 27th St.,

NOW, THEREFORE, BE IT RESOLVED, that the City Council finds the above recitals are true and correct, and have served together with the agenda report in support of this Resolution as the basis for the findings and approvals set forth in this Resolution.

BE IT FURTHER RESOLVED, that the City Council designates the City Clerk as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the City Clerk at the Richmond City Hall, 450 Civic Center Plaza, Richmond, California 94804.

I certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond at a regular meeting thereof held November 13, 2018, by the following vote:

AYES: Councilmembers Beckles, Choi, Martinez, Myrick, Vice Mayor Willis, and Mayor Butt.
NOES: None.
ABSTENTIONS: None.
ABSENT: Councilmember Recinos.

PAMELA CHRISTIAN
CLERK OF THE CITY OF RICHMOND
(SEAL)

Approved:

TOM BUTT

Mayor

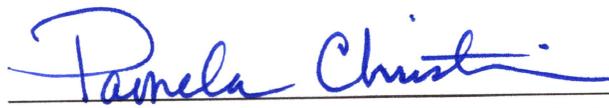
Approved as to form:

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. 84-18**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on November 13, 2018.



Pamela Christian, Clerk of the City of Richmond