

RESOLUTION NO. 17-

Resolution Of The City Council Of The City Of Emeryville Accepting Transfer Of Governmental Use Properties Known As Greenway @ Parcel D, Greenway @ 59th Street, Emery Station Greenway Plaza, 48th Street Community Garden, Art & Cultural Center And Glashaus Public Parking From The City Of Emeryville As Successor Agency To The Emeryville Redevelopment Agency Pursuant To The Long Range Property Management Plan

WHEREAS, the City of Emeryville is a municipal corporation organized and existing under the laws of the State of California ("City"); and

WHEREAS, the Emeryville Redevelopment Agency ("Agency") was a public body, corporate and politic, organized and existing under the California Community Redevelopment Law (Health & Safety Code § 33000 *et seq.* ("CRL"); and

WHEREAS, the City Council of the City of Emeryville adopted Ordinance No. 76-04 effective as of July 27, 1976, thereby approving and adopting the Emeryville Redevelopment Plan for the Emeryville Redevelopment Project Area (the "Emeryville Redevelopment Project"); and

WHEREAS, the City Council of the City of Emeryville adopted Ordinance No. 87-07 effective as of October 20, 1987, thereby approving and adopting the Shellmound Park Redevelopment Plan for the Shellmound Park Redevelopment Project Area (the "Shellmound Park Redevelopment Project"); and

WHEREAS, on June 28, 2011, Governor Brown signed AB X1 26 (the "Dissolution Act") into law, and thereafter on December 29, 2011, in California Redevelopment Association v. Matosantos, (2011) 53 Cal. 4th 231, the California Supreme Court upheld the constitutionality of the Dissolution Act, which dissolved all of the redevelopment agencies in California effective February 1, 2012; and

WHEREAS, with the enactment of the Dissolution Act, on January 17, 2012, the City Council of the City of Emeryville adopted Resolution No. 12-12 electing to have the City of Emeryville serve as Successor Agency to the Emeryville Redevelopment Agency ("Successor Agency") and thereby assumed the obligation to wind down the affairs of the former Redevelopment Agency; and

WHEREAS, a component of the Dissolution Act established a process by which successor agencies can dispose of non-housing real property pursuant to a Long Range Property Management Plan ("LRPMP"); and

WHEREAS, the LRPMP of a successor agency must be approved by their respective oversight board and the DOF and may be submitted to the oversight board and DOF for approval once DOF issues a Finding of Completion to a successor agency; and

WHEREAS, a Finding of Completion is issued once a successor agency completes various matters in accordance with the Dissolution Act, and the Emeryville Successor Agency received its Finding of Completion from the DOF on August 29, 2013; and

WHEREAS, on February 4, 2014, the Successor Agency approved the LRPMP for the disposition and use of non-housing redevelopment agency properties and thereafter, on February 11, 2014, the Emeryville Oversight Board approved the LRPMP and the Successor Agency submitted the LRPMP to the DOF; and

WHEREAS, on December 31, 2014, DOF notified the Successor Agency that the LRPMP was not approved, and thus the Successor Agency prepared a revised LRPMP in September 2015 to address the stated reasons for the DOF's disapproval, which was subsequently approved by the DOF on November 20, 2015; and

WHEREAS, in order to carry out the terms of the LRPMP, it is recommended that the following real property assets identified as governmental use properties be transferred to and accepted by the City of Emeryville pursuant to a Grant Deed in the form enclosed as Attachment 1 and incorporated herein by this reference:

- Greenway @ Parcel D and legally described in Exhibit A to the Grant Deed attached hereto as Attachment 1 and incorporated herein by this reference;
- Greenway @ 59th Street and legally described in Exhibit B to the Grant Deed attached hereto as Attachment 1 and incorporated herein by this reference;
- Emery Station Greenway Plaza and legally described in Exhibit C to the Grant Deed attached hereto as Attachment 1 and incorporated herein by this reference;
- 48th St Community Garden and legally described in Exhibit D to the Grant Deed attached hereto as Attachment 1 and incorporated herein by this reference;
- Art & Cultural Center and legally described in Exhibit E to the Grant Deed attached hereto as Attachment 1 and incorporated herein by this reference; and
- Glashaus Public Parking and legally described in Exhibit F to the Grant Deed attached hereto as Attachment 1 and incorporated herein by this reference; now, therefore, be it

RESOLVED, by the City Council of the City of Emeryville as follows:

SECTION 1. The above recitals are true and correct and are adopted as the findings of the City Council of the City of Emeryville.

SECTION 2. The City Council of the City of Emeryville hereby accepts the transfer of real property assets located in the City of Emeryville, California and legally described in Exhibits A, B, C, D, E and F to the Grant Deed attached hereto as Attachment 1 and incorporated

herein by this reference, from the City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency.

SECTION 3. The City Manager, City Attorney and Chief Financial Officer are hereby authorized and directed to take such other and further actions, and sign such other and further documents, including but not limited to all necessary actions as may be required to perfect the transfer of fee title to the real property assets identified in Exhibits A, B, C, D, E and F to the Grant Deed attached hereto as Attachment 1 and incorporated herein by this reference, to the City of Emeryville, be it a grant deed, quitclaim deed, certificate of acceptance or any other instrument as is necessary and proper in order to implement this Resolution on behalf of the City Council of the City of Emeryville.

SECTION 4. The City Council of the City of Emeryville hereby declares that every word, sentence, section, paragraph, clause or phrase of this Resolution and its exhibits are severable. If for any reason, any word, sentence, section, paragraph, clause or phrase of this Resolution and its exhibits are held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining words, sentences, sections, paragraphs, clauses or phrases.

ADOPTED, by the City Council of the City of Emeryville at a regular meeting held Tuesday, September 5, 2017 by the following votes:

AYES: _____
NOES: _____
ABSTAIN: _____
ABSENT: _____

MAYOR

ATTEST:

APPROVED AS TO FORM:



CITY CLERK

CITY ATTORNEY