

**RESOLUTION NO. \_\_\_\_\_**

**Resolution of the Board of Directors Of The City of Emeryville As Successor Agency to the Emeryville Redevelopment Agency (“Successor Agency”) Authorizing The Executive Director to Execute The Conveyance Agreement Between The City Of Emeryville (“City”) And The City Of Emeryville As The Successor Agency To The Emeryville Redevelopment Agency (1) To Transfer Platform Parcels 3 (portion of APN 049-1325-002) and 4 (APN 1325-001-04) and 59<sup>th</sup> Street Extension (portion of APN 049-1325-002) From The Successor Agency To The City And (2) To Assign To The City The Successor Agency’s Right To Acquire The Station Parcel (APN 049-1325-001-2), And Authorizing the Executive Director To Take Related Actions; CEQA Determination: Exempt Pursuant to CEQA Guideline 15061(b)(3)**

**WHEREAS**, in March 1993, the former Emeryville Redevelopment Agency (“Redevelopment Agency”) purchased property, consisting of the property that would eventually be known as the Station Parcel, 59<sup>th</sup> Street Extension (APN 049-1325-002), and Platform Parcels Three and Four, from Chevron, and then subdivided the property acquired from Chevron to create the “Station Parcel” (APN 049-1325-001-2), an air rights parcel above the Station Parcel (“Air Rights Parcel”), and Platform Parcels Three (APN 049-1325-002) and Four (APN 1325-001-04); and

**WHEREAS**, in March 1993, the Redevelopment Agency sold the Station Parcel and the Air Rights Parcel back to Wareham for \$1 and retained the property consisting of Platform Parcels Three and Four, and 59<sup>th</sup> Street Extension; and

**WHEREAS**, in March 1993, Wareham Development Corporation (also known as “Wareham”) entered into an agreement with the Redevelopment Agency where the Redevelopment Agency leased the Station Parcel from Wareham; and

**WHEREAS**, on January 19, 2000, the City and Amtrak entered into an amended and restated lease (“Amtrak Lease”) granting Amtrak a leasehold interest in the Station Parcel and related Platform Parcels to be used for its passenger railway service; and

**WHEREAS**, in 2011, the State enacted Assembly Bill 26, dissolving redevelopment agencies, such as the Redevelopment Agency, and on January 17, 2012, the Emeryville City Council adopted Resolution No. 12-12 electing to have the City of Emeryville serve as the Successor Agency to the Redevelopment Agency; and

**WHEREAS**, the Successor Agency succeeded to all of the Redevelopment Agency's rights and obligations with regards to the Station Property, Platform Parcels Three and Four and the 59<sup>th</sup> Street Extension by operation of law; and

**WHEREAS**, the City desires to assemble the parcels including the Station Parcel, Platform Parcel 3 and Platform Parcel 4 necessary for the continued operation for a government purpose of providing of passenger railway service within the City and to transfer them to Amtrak in accordance with the terms of the Amtrak Lease; and

Resolution No. \_\_\_\_\_

Conveyance Agreement Between the City and the Successor Agency

Successor Agency Meeting | January 18, 2022

Page 2 of 3

**WHEREAS**, the Successor Agency has the right to acquire the Station Parcel pursuant to the terms of the Wareham Lease, but the Redevelopment Dissolution Law prohibits the Successor Agency from acquiring property by any means; and

**WHEREAS**, assignment of the Successor Agency's right to acquire the Station Parcel to the City provided in the Wareham lease will allow the City to assemble the parcels including the Station Parcels and Platform Parcels for transfer to Amtrak for continued government use purposes of providing passenger railroad services; and

**WHEREAS**, the 59<sup>th</sup> Street extension, owned by the Successor Agency is subject to a City right of way, provides vehicular access to intermodal transit facilities serving the Amtrak Station and other regional transit agencies as well as access to the public parking serving the Amtrak Station; and

**WHEREAS**, the Platform Parcels Three and Four and the 59<sup>th</sup> Street Extension are used for governmental purposes as that term is defined in Health and Safety Code Section 34181 including as public right of way and platforms for the railroad station; and now, therefore, be it

**RESOLVED**, by the City Council of the City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency that the foregoing recitals are true and correct and incorporated by reference; and, be it, further

**RESOLVED**, by the City Council of the City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency that the action taken herein is exempt from environmental review pursuant to California Environmental Quality Act Guideline 15061(b)(3) because the action taken is to preserve the status quo; and be it, further

**RESOLVED**, by the City Council Of The City Of Emeryville As Successor Agency To The Emeryville Redevelopment Agency that, subject to the approval of the County of Alameda Oversight Board, the Executive Director is authorized to execute the conveyance agreement between the City of Emeryville and the Successor Agency to transfer Platform Parcels 3 (APN 049-1325-002) and 4 (APN 1325-001-04) and 59<sup>th</sup> Street Extension (APN 049-1325-002) from the City Of Emeryville As Successor Agency To The Emeryville Redevelopment Agency to the City of Emeryville and to assign to the City Of Emeryville the right to acquire the Station Parcel to the City of Emeryville, substantially in the form attached hereto as Exhibit A, and to take related actions to effectuate the purpose of said conveyance agreement, provided the financial obligations of the Successor Agency are not increased.

Resolution No. \_\_\_\_\_  
Conveyance Agreement Between the City and the Successor Agency  
Successor Agency Meeting | January 18, 2022  
Page 3 of 3

**ADOPTED**, by the City Council of the City of Emeryville as Successor Agency to the Emeryville Redevelopment Agency at a regular meeting held Tuesday, January 18, 2022, by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

ABSENT: \_\_\_\_\_

\_\_\_\_\_  
CHAIR

ATTEST:  
  
\_\_\_\_\_  
SECRETARY

APPROVED AS TO FORM:  
DocuSigned by:  
*Andrea Visveshwara*  
962863BD5573494  
\_\_\_\_\_  
INTERIM LEGAL COUNSEL

**ATTACHMENTS**

- Exhibit A – Conveyance Agreement between the City and Successor Agency