

RESOLUTION NO. _____

Resolution of the City Council Of The City of Emeryville Authorizing The City Manager 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 (“Successor Agency”) (1) To Transfer Platform Parcels 3 (portion of APN 049-1325-002) and 4 (APN 1325-001-04) and 59th 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 City Manager 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, 59th 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 59th 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 59th 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

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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 59th 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 now, therefore, be it

RESOLVED, by the City Council of the City of Emeryville 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 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 that the City Manager is authorized to execute the conveyance agreement between the City of Emeryville and the Successor Agency, which transfers Platform Parcels 3 (portion of APN 049-1325-002) and 4 (APN 1325-001-04) and 59th Street Extension (portion of APN 049-1325-002) from the City Of Emeryville As Successor Agency To The Emeryville Redevelopment Agency to the City of Emeryville and which assigns from the Successor Agency to the City Of Emeryville the right to acquire the Station Parcel, substantially in the form attached hereto as Exhibit A, provided Amtrak has committed to accepting the Station Parcel and Platform Parcels from the City and that the City Manager is authorized to take related actions to effectuate the purpose of said conveyance agreement.

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ADOPTED, by the City Council of the City of Emeryville at a regular meeting held Tuesday, January 18, 2022, by the following vote:

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

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:
DocuSigned by:
Andrea Visveshwara
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INTERIM CITY ATTORNEY

ATTACHMENTS

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