

HAYWARD CITY COUNCIL

RESOLUTION NO. 2017-__

Introduced by Council Member _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD
ACCEPTING TRANSFER OF SPECIFIED PARKING FACILITIES
PURSUANT TO HEALTH AND SAFETY CODE SECTIONS 34177(e) AND
34181(a)(1), FOR CONTINUED GOVERNMENTAL USE, OPERATION, AND
MAINTENANCE

WHEREAS, the California state legislature enacted Assembly Bill x1 26, as amended by AB 1484, enacted on June 27, 2012, and SB 107, enacted on September 22, 2015 (the "Dissolution Statutes"), to dissolve redevelopment agencies formed under the "Community Redevelopment Law" (Health and Safety Code Section 33000 et seq.); and

WHEREAS, pursuant to the Dissolution Statutes, the Redevelopment Agency of the City of Hayward (the "Dissolved Agency") was dissolved as of February 1, 2012; and

WHEREAS, the Hayward Successor Agency, a separate legal entity (the "Successor Agency"), successor in interest to the Dissolved Agency, which pursuant to Health and Safety Code Section 34173(g) constitutes a separate legal entity from the City of Hayward (the "City") was formed to and charged with paying the enforceable obligations, disposing of the properties and other assets, and unwinding the affairs of the Dissolved Agency; and

WHEREAS, the City of Hayward adopted the Downtown Hayward Redevelopment Plan (the "Redevelopment Plan") and the Redevelopment Plan sets forth a plan for redevelopment of the Downtown Hayward Redevelopment Project Area (the "Project Area"), which Redevelopment Plan was being implemented by the Dissolved Agency up until its dissolution; and

WHEREAS, the City Council (the "City Council") of the City serves in a separate capacity as the governing board of the Successor Agency; and

WHEREAS, an oversight board for the Successor Agency (the "Oversight Board") has been formed and is functioning in accordance with Health and Safety Code Section 34179 with specific duties to approve certain Successor Agency actions pursuant to Health and Safety Code Section 34180 and to direct the Successor Agency in certain other actions pursuant to Health and Safety Code Section 34181; and

WHEREAS, on November 8, 2013, the Successor Agency received a "Finding of Completion" from the California Department of Finance (the "Department") pursuant to Health

and Safety Code Section 34179.7, confirming that the Successor Agency had made specified required payments under the Dissolution Statutes; and

WHEREAS, the real property and specified other assets of the Dissolved Agency were transferred to the ownership and control of the Successor Agency as of February 1, 2012 pursuant to Health and Safety Code Section 34175(b); and

WHEREAS, including among others, the following properties are located within the Project Area and subject to the Redevelopment Plan, were acquired by the Dissolved Agency for governmental use and constitute parking facilities and lots dedicated solely for public parking as such term is defined in Health and Safety Code Section 34181(a)(2) (the "Parking Facilities"):

No.	APN	Address	Recommended Use
1.	428-0061-039-01	1025 A Street	Governmental Use as parking facilities
2.	427-0001-031-01	22852 Foothill Blvd	Governmental Use as parking facilities
3.	415-0240-002	1154 Russell Way	Governmental Use as parking facilities
4.	415-0240-003-02	1166 Russell Way	Governmental Use as parking facilities

WHEREAS, the City, as the public jurisdiction generally responsible for the ownership, operation and maintenance of public facilities in the City, is the appropriate public jurisdiction for the ultimate disposition of the Parking Facilities; and

WHEREAS, pursuant to Health and Safety Code Section 34191.5(b), upon receipt of the Finding of Completion, the Successor Agency is entitled to and must prepare and submit a Long-Range Property Management Plan (the "LRPMP") in connection with the property assets of the Successor Agency to the Oversight Board and the Department no later than six months following the issuance by the Department of the Finding of Completion; and

WHEREAS, as required by Health and Safety Code Section 34191.5(b), the Successor Agency then prepared a Multi-Asset Long-Range Property Management Plan dated May 19, 2015 (the "Revised LRPMP") which was submitted to and approved by the Successor Agency's Oversight Board; and

WHEREAS, the Revised LRPMP was then submitted to the Department and was approved by the Department by letter dated September 4, 2015; and

WHEREAS, under the Revised LRPMP the properties were designated to transfer to the City for future development pursuant to Health and Safety Code Section 34191.3, but the City would like to maintain the Parking Facilities for public use; and

WHEREAS, under Health and Safety Code Sections 34177(e) and 34181(a)(1), the Oversight Board is authorized to approve and direct the disposition, by the Successor Agency to the City, of governmental purpose properties constructed and used for roads, school buildings, parks and open space, police and fire stations, libraries, *parking facilities and lots dedicated*

solely to public parking, and local agency administrative buildings and other governmental purposes; and

WHEREAS, the proposed disposition and use of the Parking Facilities called for in this Resolution is consistent with the projects and programs under the Redevelopment Plan, which continues to conform with the City's General Plan and other applicable City codes and policies in that call for continued public use and maintenance of the Parking Facilities for continued public uses; and

WHEREAS, the disposition of the Parking Facilities pursuant to this Resolution is exempt from the requirements of the California Environmental Quality Act and the applicable state and local implementing guidelines ("CEQA") pursuant to State CEQA Guidelines Section 15061(b)(3); and

WHEREAS, the staff report (the "Staff Report") accompanying this Resolution contains additional information and analysis upon which the findings and actions set forth in this Resolution are based.

NOW, THEREFORE, BE IT RESOLVED the City Council hereby finds, resolves, and determines that the foregoing recitals are true and correct, and, together with information provided by the staff and the public, form the basis for the approvals, findings, resolutions, and determinations set forth below.

BE IT FURTHER RESOLVED, that, for the reasons set forth above, the City Council finds and determines that acceptance of the transfer of the Parking Facilities pursuant to Health and Safety Code Sections 34177(e) and 34181(a)(1) is exempt from the requirements of CEQA, and the City Manager or the City Manager's designee, is authorized to file the appropriate notice of exemption with respect to the approval of the Parking Facilities transfer pursuant to this Resolution in accordance with CEQA.

BE IT FURTHER RESOLVED, as allowed pursuant to Health and Safety Code Sections 34191.3, 34177(e) and 34181(a)(1), the City Council hereby accepts the transfer of the Parking Facilities and further agrees and acknowledges that the City will use the Parking Facilities for the government purposes.

BE IT FURTHER RESOLVED that the City Council directs the City Manager, or the City Manager's designee, acting on behalf of the City, to take any action and execute any documents as may be necessary to implement the acceptance and use of the Parking Facilities in accordance with the terms approved in this Resolution.

BE IT FURTHER RESOLVED that this Resolution constitutes the City Council's resolution of acceptance of the conveyance of the Parking Facilities to the City pursuant to Government Code Section 27281.

BE IT FURTHER RESOLVED that this Resolution shall take immediate effect upon its adoption.

IN COUNCIL, HAYWARD, CALIFORNIA OCTOBER ____, 2017

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward