

HAYWARD SUCCESSOR AGENCY OVERSIGHT BOARD

RESOLUTION NO. 2017-__

RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY FOR THE REDEVELOPMENT AGENCY OF THE CITY OF HAYWARD DIRECTING AND APPROVING THE TRANSFER OF SPECIFIED PARKING FACILITIES PURSUANT TO HEALTH AND SAFETY CODE SECTION 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, 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, Health and Safety Code Section 34177(e) further authorizes the Oversight Board to direct the transfer of ownership of assets and properties used for governmental purposes pursuant to Health and Safety Code Section 34181(a) and directs that that such disposal occur expeditiously and in a manner aimed at maximizing value; 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 that the Oversight Board hereby finds, resolves, and determines that the foregoing recitals are true and correct, and, together with information provided by the Successor Agency 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 Oversight Board 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 that the Oversight Board hereby finds and determines that the Parking Facilities identified in and subject of this Resolution, are parking facilities and lots dedicated solely to public parking and as of the date of transfer will not generate revenues in excess of reasonable maintenance costs of the properties

BE IT FURTHER RESOLVED, as allowed pursuant to Health and Safety Code Sections 34191.3, 34177(e) and 34181(a)(1), the Oversight Board hereby directs the transfer of the Parking Facilities to the City and in consideration for the City's continued use, operation, and maintenance of the Parking Facilities for the government purposes.

BE IT FURTHER RESOLVED the Oversight Board hereby authorizes the Successor Agency Executive Director or the Executive Director's designee, on behalf of the Successor Agency, to take any action and execute any documents, in consultation with the City Attorney, acting in the capacity of counsel to the Successor Agency, as may be necessary, to implement the transfer of the Parking Facilities in accordance with the terms approved in this Resolution.

BE IT FURTHER RESOLVED that the Successor Agency is hereby directed to notify the California Department of Finance of the actions set forth in this Resolution in accordance with Health and Safety Code Sections 34179(h)(1)(D) and 34181(f).

FURTHER RESOLVED, that this Resolution shall take effect at the time and in the manner prescribed in Health and Safety Code Section 34179(h) and Section 34181(f).

IN COUNCIL, HAYWARD, CALIFORNIA October ____, 2017

ADOPTED BY THE FOLLOWING VOTE:

AYES: BOARD MEMBERS:

NOES: BOARD MEMBERS:

ABSTAIN: BOARD MEMBERS:

ABSENT: BOARD MEMBERS:

ATTEST: _____
Chair of the Oversight Board