

HAYWARD CITY COUNCIL

RESOLUTION NO. 15-

Introduced by Council Member \_\_\_\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD ACCEPTING  
TRANSFER OF SPECIFIED GOVERNMENTAL USE PROPERTIES PURSUANT TO THE  
HAYWARD SUCCESSOR AGENCY'S APPROVED LONG-RANGE PROPERTY  
MANAGEMENT PLAN FOR CONTINUED GOVERNMENTAL USE, OPERATION, AND  
MAINTENANCE

WHEREAS, the California state legislature enacted Assembly Bill x1 26, as amended by AB 1484 (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;

WHEREAS, the City of Hayward, acting in a separate limited capacity and known as the Hayward Successor Agency (the "Successor Agency") of 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 (the "City") 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;

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; 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), including among others, the following parcels of real property (collectively, the “Governmental Use Properties”) within the Project Area and subject to the Redevelopment Plan, and were acquired by the Dissolved Agency for governmental use:

<b>APN</b>	<b>Address</b>	<b>Referenced as:</b>	<b>Recommended Use</b>
428-0071-018	22675 Mission Blvd	“22675 Mission (Lot A)”	Governmental Use
428-0071-019	22675 Mission Blvd	“22695 Mission (Lot B)”	Governmental Use

WHEREAS, the properties that are the subject of this Resolution were constructed and will be used for a governmental purpose, namely the library and community learning center (collectively, the “Governmental Use Purposes”), are generally located in the City and within the Former Agency’s redevelopment project area; and

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 Governmental Use Properties; 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;

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 Health and Safety Code Sections 34177(e), 34191.3 and 34181(a), 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, and local agency administrative buildings and other governmental purposes; and

WHEREAS, with respect to the Governmental Use Properties, the Successor Agency proposes to transfer to the City so that the City may continue to own, operate and maintain the Governmental Use Properties for the public purposes described in the Revised LRPMP;

WHEREAS, the proposed disposition and use of the Governmental Use Properties called for in the Revised LRPMP and this Resolution is consistent with the projects and programs under the Redevelopment Plan, which continues to conform with the City's General Plan; and

WHEREAS, the proposed disposition of the Governmental Use Properties to the City for continued use, operation and maintenance for Governmental Use Purposes is consistent with the City's General Plan, the Former Agency's approved redevelopment plan, and other applicable City codes and policies in that these local laws and plans call for continued public use and maintenance of the various public facilities dedicated for the uses identified in the LRPMP; and

WHEREAS, the disposition of the Governmental Use Properties pursuant to the terms of the Revised LRPMP 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 Governmental Use Properties pursuant to the Revised LRPMP is exempt from the requirements of CEQA, and the City Manager, is authorized to file the appropriate notice of exemption with respect to the approval of the Governmental Use Properties transfer pursuant to the Revised LRPMP in accordance with CEQA.

BE IT FURTHER RESOLVED as allowed pursuant to Health and Safety Code Section 34191.5(b), the City Council hereby approves the Revised LRPMP and hereby accepts the responsibilities of implementing the terms of the Revised LRPMP and further agrees and acknowledges that the City will use the Governmental Use Properties for the governmental/public uses identified in the Revised LRPMP.

BE IT FURTHER RESOLVED that the City Council directs the City Manager acting on behalf of the City, to use the properties and any disposition proceeds in accordance with the Revised LRPMP and to take any action and execute any documents as may be necessary to implement the acceptance and use of the Governmental Use Properties and any disposition proceeds in accordance with the terms approved in the Revised LRPMP and this Resolution.

BE IT FURTHER RESOLVED that this Resolution constitutes the City Council's resolution of acceptance of the conveyance of the Governmental Use Properties 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 \_\_\_\_\_, 2015

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