



City of San Leandro

Meeting Date: March 18, 2013

Staff Report

File Number: 13-109

Agenda Section: CONSENT CALENDAR

Agenda Number: 8.F.

TO: City Council

FROM: Chris Zapata
City Manager

BY: Cynthia Battenberg
Business Development Manager

FINANCE REVIEW: Not Applicable

TITLE: Staff Report for City Council Resolution Authorizing the Transfer (Return) of Properties to the Successor Agency of the Redevelopment Agency of the City of San Leandro and Successor Agency Resolution Authorizing the Acceptance of Quitclaim Deeds for Said Properties as Required by State Law

SUMMARY AND RECOMMENDATIONS

On March 3, 2011, the Redevelopment Agency transferred property assets to the City of San Leandro. ABx1 26, adopted by the State of California in June 2011, eliminated redevelopment agencies and voided certain transactions between the Redevelopment Agency and the City that occurred after January 1, 2011. This action will transfer the 14 remaining parcels officially held by the City back to the Successor Agency as required by law. Staff recommends adoption of a City resolution and Successor Agency resolution to transfer non-public property assets from the City to the Successor Agency.

BACKGROUND

On March 3, 2011, given the uncertainty regarding the future of redevelopment agencies, the Redevelopment Agency of the City of San Leandro (Agency), to avoid losing all land and improvements, transferred 21 properties from the Agency to the City of San Leandro (City) by way of a Disposition and Development Agreement. The State of California's passage of AB x1 26 in June 2011 and AB 1484 in June 2012 provided guidance for the disposal of redevelopment agency assets and voided property transfer transactions between the Redevelopment Agency and City that occurred after January 1, 2011. The City's and Successor Agency's actions to date regarding these 21 parcels assumed that the March 2011 transfer was invalid.

On September 17, 2012, the Successor Agency authorized the transfer of 14 of these 21 parcels to the City due to their 1) being public purpose properties; or 2) because they were transferred to the Agency by the City in anticipation of use in redevelopment projects and per the transfer agreements, any revenue from these properties must be returned to the City.

On January 7, 2013, resolutions were adopted by the City and Successor Agency to officially return the remaining seven non-public property assets to the Successor Agency to eliminate any uncertainty as to the status of these properties.

On January 17, 2013, the California Department of Finance (DOF) notified the Successor Agency that the action to transfer the 14 public purpose and City owned parcels was not approved. The DOF asserted that the properties were "not exclusively used for governmental purposes" and directed that they remain in the possession of the Successor Agency until it completes a DOF-approved Long-Range Property Management Plan. The Plan is expected to be completed in late 2013 once other DOF regulatory milestones have been achieved.

Similar to the January 7 action, staff is now recommending that the remaining 14 parcels, which are listed below, be officially returned to the Successor Agency.

<u>Address</u>	<u>APN</u>
Aladdin Ave. (Marina Reader Board Sign)	079A-0295-002-17
Carpentier Street (Creek-walk)	075-0036-058-00
2512 Davis Street (held for Eden Road extension)	077A-0649-008-25
1433 E. 14th Street (Parking, Downtown Plaza)	077-0545-018-00
14901 E. 14th Street (held for street improvements)	077D-1499-001-00
1193 Warden Ave. ("Davis West" sign site)	077A-0655-001-00
1446 Washington Ave. (Parking, Downtown Plaza)	077-0545-025-00
1490 Washington Ave. (Parking, Downtown Plaza)	077-0545-024-01
Washington Ave. (Public Plaza outdoor dining area)	077-0545-026-02
Washington Ave. (Parking, Downtown Plaza)	077-0545-009-00
Washington Ave. (Parking, Downtown Plaza)	077-0545-010-00
135 W. Joaquin Ave. (Walkway adjacent to Plaza)	077-0545-015-00
2101 Marina Blvd. (former fire station)	079A-0568-005-00 *
268 Parrott Street (held for redevelopment)	075-0005-012-00 **

* agreement dated 9/16/03 requires that any sale proceeds are returned to City

** agreement dated 1/7/08 requires that any sale proceeds are returned to City

Previous Actions

- On March 3, 2011, the City Council adopted Resolution No. 2011-058, Authorizing a Disposition and Development Agreement between the Redevelopment Agency and the City of San Leandro and the transfer of real property from the Agency to the City of San Leandro.
- On March 3, 2011, the Redevelopment Agency of the City of San Leandro adopted Resolution No. 2011-004 RDA, Approving the Transfer of Real Property from the Agency to the City of San Leandro and Authorizing Execution of Disposition and Development Agreement with the City.
- On September 17, 2012, the City Council adopted Resolution No. 2012-105, Approving the Transfer of Certain Former Redevelopment Agency Real Property Assets to the City of San Leandro.

- On September 17, 2012, the Successor Agency to the Redevelopment Agency of the City of San Leandro Adopted Resolution No. 2012-012 SA, Approving the Transfer of Certain Former Redevelopment Agency Real Property Assets to the City of San Leandro .
- On January 7, 2013, the City Council and Successor Agency approved Resolution Nos. 2013-001 and 2013-001 SA, transferring seven parcels, formerly held by the Redevelopment Agency, to the Successor Agency.

Legal Analysis

This report and resolutions have been reviewed and approved as to form by the City Attorney's Office.

Fiscal Impacts

None

PREPARED BY: Jeff Kay, Administrative Analyst, City Manager's Office



City of San Leandro

Meeting Date: March 18, 2013

Resolution - Council

File Number: 13-111

Agenda Section: CONSENT CALENDAR

Agenda Number:

TO: City Council

FROM: Chris Zapata
City Manager

BY: Cynthia Battenberg
Business Development Manager

FINANCE REVIEW: Not Applicable

TITLE: ADOPT: Resolution of the City Council of the City of San Leandro Authorizing the Transfer of Properties to the Successor Agency to the Redevelopment Agency of the City of San Leandro Previously Transferred to the City from the Former Redevelopment Agency of the City of San Leandro (returns assets to the Successor Agency as required by state law)

WHEREAS, the City Council of the City of San Leandro (the "City") previously approved an action accepting certain real assets pursuant to disposition and development agreements and assignment agreements from the Redevelopment Agency of the City of San Leandro (the "Redevelopment Agency") on March 3, 2011 by Agency Resolution No. 2011-004 RDA and City Council Resolution No. 2011-058; and

WHEREAS, on June 28, 2011, the California Legislature adopted, the Governor signed, and in December 29, 2011 the California Supreme Court in *California Redevelopment Association, et al. v. Ana Matosantos, et al.*, upheld ABx1 26 ("AB 26"), legislation that amends the California Redevelopment Law and provided that the Redevelopment Agency be dissolved effective as of February 1, 2012; and

WHEREAS, under AB 26, the Redevelopment Agency was replaced with the Successor Agency to the Redevelopment Agency of the City of San Leandro (the "Successor Agency") effective February 1, 2012; and

WHEREAS, among other things, AB 26 voids certain transactions between the Redevelopment Agency and the City that occurred after January 1, 2011; and

WHEREAS, the City now desires to transfer the following assets (collectively, the "Assets") from the City back to the Successor Agency:

Address
Aladdin Ave. (Marina Reader Board Sign)
Carpentier Street (Creek-walk)

APN
079A-0295-002-17
075-0036-058-00

2512 Davis Street (held for Eden Road extension)	077A-0649-008-25
1433 E. 14th Street (Parking, Downtown Plaza)	077-0545-018-00
14901 E. 14th Street (held for street improvements)	077D-1499-001-00
1193 Warden Ave. ("Davis West" sign site)	077A-0655-001-00
1446 Washington Ave. (Parking, Downtown Plaza)	077-0545-025-00
1490 Washington Ave. (Parking, Downtown Plaza)	077-0545-024-01
Washington Ave. (Public Plaza outdoor dining area)	077-0545-026-02
Washington Ave. (Parking, Downtown Plaza)	077-0545-009-00
Washington Ave. (Parking, Downtown Plaza)	077-0545-010-00
135 W. Joaquin Ave. (Walkway adjacent to Plaza)	077-0545-015-00
2101 Marina Blvd. (former fire station)	079A-0568-005-00 *
268 Parrott Street (held for redevelopment)	075-0005-012-00 **

* agreement dated 9/16/03 requires that any sale proceeds are returned to City

** agreement dated 1/7/08 requires that any sale proceeds are returned to City

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of San Leandro hereby:

1. Finds that the above recitals are true.
2. Approves the transfer of the Assets listed above by quitclaim deed.
3. Authorizes the City Manager to execute and deliver such instruments and to take such actions as necessary to carry out the intent of this Resolution.



City of San Leandro

Meeting Date: March 18, 2013

Resolution - SA

File Number: 13-113

Agenda Section: CONSENT CALENDAR

Agenda Number:

TO: City Council

FROM: Chris Zapata
City Manager

BY: Cynthia Battenberg
Business Development Manager

FINANCE REVIEW: Not Applicable

TITLE: ADOPT: Resolution of the Successor Agency to the Redevelopment Agency of the City of San Leandro Authorizing the Acceptance of Quitclaim Deeds for Properties Previously Transferred by the Former Redevelopment Agency of the City of San Leandro to the City of San Leandro (accepts the transfer of non-public property assets as required by state law)

WHEREAS, the Redevelopment Agency of the City of San Leandro (the "Agency") previously approved an action transferring certain real assets pursuant to disposition and development agreements and assignment agreements from the City of San Leandro (the "City") on March 3, 2011 by Agency Resolution No. 2011-004 RDA and City Council Resolution No. 2011-058; and

WHEREAS, on June 28, 2011, the California Legislature adopted, the Governor signed, and in December 29, 2011 the California Supreme Court in *California Redevelopment Association, et al. v. Ana Matosantos, et al.*, upheld ABx1 26 ("AB 26"), legislation that amends the California Redevelopment Law and provided that the Redevelopment Agency be dissolved effective as of February 1, 2012; and

WHEREAS, under AB 26, the Redevelopment Agency was replaced with the Successor Agency to the Redevelopment Agency of the City of San Leandro (the "Successor Agency") effective February 1, 2012; and

WHEREAS, among other things, AB 26 voids certain transactions between the Redevelopment Agency and the City that occurred after January 1, 2011; and

WHEREAS, the City now desires to transfer the following assets (collectively, the "Assets") from the City back to the Successor Agency:

Address
Aladdin Ave. (Marina Reader Board Sign)
Carpentier Street (Creek-walk)

APN
079A-0295-002-17
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* agreement dated 9/16/03 requires that any sale proceeds are returned to City

** agreement dated 1/7/08 requires that any sale proceeds are returned to City

NOW, THEREFORE, BE IT RESOLVED by the Governing Board of the Successor Agency to the Redevelopment Agency of the City of San Leandro that it does hereby resolve as follows:

1. Finds that the above recitals are true.
2. Approves the transfer of the Assets listed above by quitclaim deed.
3. Authorizes the Executive Director to execute and deliver such instruments and to take such actions as necessary to carry out the intent of this Resolution.