

RESOLUTION NO. 2018-3

RESOLUTION OF THE OVERSIGHT BOARD TO THE SUCCESSOR  
AGENCY OF THE CONTRA COSTA COUNTY REDEVELOPMENT  
AGENCY APPROVING DIRECTING AND APPROVING THE TRANSFER  
OF SPECIFIED PROPERTIES 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 Contra Costa County Redevelopment Agency (the "Dissolved Agency") was dissolved as of February 1, 2012; and

WHEREAS, the Successor Agency to the Contra Costa County Redevelopment 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 County of Contra Costa (the "County") 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, 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 July 18, 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, in accordance with Health and Safety Code Section 34175(b), the Successor Agency, as successor in interest to the Former Agency, holds fee title to the properties listed below:

1. Property located in Contra Costa County identified as Assessor's Parcel Nos. 147-050-043-8, 147-050-044-6, 147-050-047-9, 148-120-012-7, 148-180-047-0, 148-180-048-8, 148-180-049-6,

148-221-016-6, 148-221-030-7, 148-360-014-2, 148-360-024-1, 148-360-031-6, and 172-100-0386, publicly owned, operated, and maintained area dedicated for use as a bicycle path/walkway (collectively, the "Iron Horse Public Use Parcels"); and

WHEREAS, the County, as the public jurisdiction generally responsible for the ownership, operation and maintenance of public facilities in the County, is the appropriate public jurisdiction for the ultimate disposition of the Iron Horse Public Use Parcels; 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 prepared an LRPMP dated September 2013, which was submitted to and approved by the Successor Agency's Oversight Board; and

WHEREAS, the LRPMP was then submitted to the Department, but was not approved by the Department prior to the statutory deadline of January 1, 2016 and therefor pursuant to Health and Safety Code Section 34191.3, the disposition of the Iron Horse Public Use Parcels is governed by Health and Safety Code Section 34181(a); 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 County, 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 Iron Horse Public Use Parcels called for in this Resolution is consistent with the projects and programs under the redevelopment plans, continues to conform with the County's General Plan and other applicable County codes and policies in that they call for continued public use and maintenance of the Iron Horse Public Use Parcels; and

WHEREAS, the disposition of the Iron Horse Public Use Parcels pursuant to this Resolution, and their continued use, operation, and maintenance as a public park/open space, 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 15301 (as an action resulting in continuation of an existing facility); and

WHEREAS, because the Successor Agency is obligated to dispose of the Iron Horse Public Use Parcels in accordance with the Redevelopment Dissolution Statutes and to satisfy goals, objectives and purposes of the County's General Plan, the Dissolved Agency's approved redevelopment plans, the Iron Horse Public Use Parcels are not "surplus" property of the Successor Agency and are not subject to the disposition requirements and procedures of the Surplus Lands Act (Government Code Section 54220 *et seq.*); 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 Iron Horse Public Use Parcels pursuant to Health and Safety Code Sections 34177(e), 34181(a), and 34191.3 is exempt from the requirements of CEQA, and the County Administrator or the County Administrator's designee, is authorized to file the appropriate notice of exemption with respect to the approval of the Iron Horse Public Use Parcels 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 Oversight Board hereby directs the transfer of the Iron Horse Public Use Parcels to the County and in consideration for the County's continued use, operation, and maintenance of the Iron Horse Public Use Parcels for 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 County Counsel, acting in the capacity of counsel to the Successor Agency, as may be necessary, to implement the transfer of the Iron Horse Public Use Parcels 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).

The above and foregoing Resolution was duly and regularly passed and adopted at a meeting by the Oversight Board for the Successor Agency to the Contra Costa County Redevelopment Agency at a regular meeting thereof held on January 24, 2018, by the following vote:

AYES: BOARD MEMBERS: Hild, Evans, Enholm, Glover, Lackey and Lau

NOES: BOARD MEMBERS: None

ABSTAIN: BOARD MEMBERS: None

ABSENT: BOARD MEMBERS: Mitchoff

ATTEST:

  
Oversight Board Secretary