

RESOLUTION OF THE COUNTYWIDE OVERSIGHT BOARD

FOR THE COUNTY OF CONTRA COSTA

Adopted this Resolution on 09/26/2022 by the following vote:

AYE: ☐

NO: ☐

ABSENT: ☐

ABSTAIN: ☐

RECUSE: ☐



Resolution: 2022/38

A RESOLUTION OF THE COUNTY-WIDE OVERSIGHT BOARD FOR CONTRA COSTA COUNTY APPROVING AND DIRECTING THE SALE OF PROPERTY OWNED BY THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF BRENTWOOD 7030 BRENTWOOD BOULEVARD.

WHEREAS, pursuant to Health and Safety Code Section 34173(d), the Brentwood Redevelopment Successor Agency("Successor Agency") is the successor agency to the dissolved Redevelopment Agency of the City of Brentwood ("Redevelopment Agency") and is responsible for the wind-down of the affairs of the former Redevelopment Agency, including without limitation the disposition of assets and properties of the former Redevelopment Agency; and

WHEREAS, the County-wide Oversight Board for Contra Costa County ("Oversight Board") is the oversight board for the Successor Agency pursuant to Health and Safety Code Section 34179(j); and

WHEREAS, pursuant to Health and Safety Code Section 34177, successor agencies are required to dispose of assets and properties of the former redevelopment agency as directed by the oversight board, and Health and Safety Code Section 34181(a)(1) provides that the oversight board shall direct the successor agency to dispose of all assets and properties of the former redevelopment agency, however, the oversight board may direct the successor agency to transfer ownership of those assets that were constructed and used for a governmental purpose; and

WHEREAS, the Successor Agency owns certain property located at 7030 Brentwood Boulevard (the "Successor Agency Property"), which is a former Redevelopment Agency asset, and intends to sell the Property in accordance with Health and Safety Code Sections 34177 and 34181(a)(1); and

WHEREAS, the City of Brentwood is commencing with the Brentwood Boulevard Widening North - Phase I project (the "Project"), and in furtherance of the Project needs to acquire a fee interest in a portion of the Successor Agency Property along its frontage to be used as right of way for the Project, comprised of approximately 21,150 square feet (.49 Acres more or less) (the "Right of Way Property"); and

WHEREAS, the City has prepared an appraisal of the Right of Way Property and determined the fair market value for the Right of Way Property to be One Thousand Dollars (\$1,000.00); and

WHEREAS, the City has the authority to acquire the Right of Way Property for the Project pursuant to its power of eminent domain, and sale of the Right of Way Property to the City for appraised fair market value will maximizes value to the Successor Agency and the taxing entities because the Successor Agency will receive fair market value and minimize the administrative and legal expense to the Successor Agency associated with an acquisition through eminent domain; and

WHEREAS, in furtherance of its obligations under Health and Safety Code Section 34181(a), the Successor Agency desires to enter into an Agreement of Purchase and Sale for Right of Way Property with the City of Brentwood, for purchase and sale of the Right of Way Property; and

WHEREAS, pursuant to Health and Safety Code Section 34181(f), before properties owned by the former Redevelopment Agency can be disposed of by the Successor Agency, the disposal must be approved by the Oversight Board, by resolution adopted at a public meeting after notice to the public of the specific proposed action; and

WHEREAS, the actions of the Oversight Board are subject to review by the California State Department of Finance pursuant to Health and Safety Code Section 34179;

**NOW, THEREFORE, THE COUNTY-WIDE OVERSIGHT BOARD FOR CONTRA COSTA COUNTY DOES
HEREBY RESOLVE AS FOLLOWS:**

SECTION 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

SECTION 2. CEQA Compliance. The approval of the Agreement for Purchase and Sale of Right of Way Property does not commit the Oversight Board to any action that may have a direct or indirect physical impact to the environment. As a result, such action does not constitute a project subject to the requirements of the California Environmental Quality Act.

SECTION 3 Approval of the Disposal of Property. The Oversight Board hereby approves the Agreement for Purchase and Sale of Right of Way Property attached hereto as Exhibit A (the "Purchase and Sale Agreement"), and authorizes the Executive Director of the Successor Agency to execute the Purchase and Sale Agreement and take such further action and execute such documents as is necessary to effectuate this conveyance in accordance with the terms of the Purchase and Sale Agreement.

SECTION 4. Transmittal of Resolution to DOF. The Oversight Board hereby directs the Successor Agency to take any action necessary to carry out the purposes of this Resolution and comply with applicable law regarding such transfer of the Right of Way Property, including without limitation submittal of this Resolution to the State of California Department of Finance for approval, and transfer of the net proceeds from the sale of the Right of Way Property to the Contra Costa County Auditor-Controller for distribution as property tax proceeds under Health & Safety Code Section 34188.

SECTION 5. Severability. If any provision of this Resolution or the application of any such provision to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The Oversight Board declares that the Oversight Board would have adopted this Resolution irrespective of the invalidity of any particular portion of this Resolution.

SECTION 6. Certification. The County Clerk of Contra Costa County, acting on behalf of the Oversight Board as its Secretary shall certify to the adoption of this Resolution.

SECTION 7. Effective Date. Pursuant to Health and Safety Code Section 34179(h), all actions taken by the Oversight Board may be reviewed by the State of California Department of Finance, and, therefore, this Resolution shall become effective in accordance with the provisions of said Section 34179(h).

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2022, by the following vote:

ATTEST:

Board Secretary Maureen Toms Oversight

Contact:

cc: