RESOLUTION NO 2011-7 (a)

A Resolution of the City Council of the City of Albany
Approving a Purchase and Sale Agreement with the California Transportation Agency for
the Purchase of Certain Property;

The City Council of the City of Albany resolves as follows:

WHEREAS, the City Council ("City Council") of the City of Albany ("City") has adopted and amended, from time to time, the Albany Reinvestment Redevelopment Plan ("Redevelopment Plan") for the Albany Reinvestment Redevelopment Project Area ("Project Area"); and

WHEREAS, the Albany Reinvestment Agency ("Agency") is engaged in various activities in its efforts to remove the blighting conditions that still remain in the Project Area; and

WHEREAS, the Agency and the City have been working cooperatively for several years on the purchase of certain property located in the Project Area and currently owned by the California Department of Transportation ("CalTrans") as more particularly described in Exhibit A attached hereto (the "Property"); and

WHEREAS, the Agency and the City, after lengthy negotiations with Caltrans, have completed negotiations with CalTrans on the terms and conditions of such purchase, which terms and conditions are set forth in the Purchase and Sale Agreement a copy of which is on file with the City Clerk, pursuant to which the City has agreed to acquire the Property for $1,950,000; and
WHEREAS, the City and the Agency have entered into that certain Public Improvement Grant and Cooperation Agreement, whereby the Agency has agreed to provide the City with funds necessary for the purchase of the Property as well as other public improvements; and

WHEREAS, the City and the Agency expect to undertake a public process to determine the ultimate use of the Property, which use will be consistent with the Redevelopment Plan; and

WHEREAS, acquisition of the Property will assist the Agency to accomplish the stated goals in the Redevelopment Plan and its current Implementation Plan as described in the staff report accompanying this Resolution (the "Staff Report"); and

WHEREAS, at the time of adoption of the Redevelopment Plan, the Agency and the City certified that Final Environmental Impact Report for the Cleveland Avenue Eastshore Highway Redevelopment Project (the "EIR"), which Environmental Impact Report was a program EIR analyzing the impacts of the Redevelopment Plan; and

WHEREAS, because the acquisition of property for the purposes of implementation of the Redevelopment Plan was contemplated in the EIR, the EIR has served as the CEQA documentation for the acquisition of the Property; and

WHEREAS, the Staff Report, the Redevelopment Plan, the report to City Council accompanying the Redevelopment Plan, the EIR, and the Implementation Plan provide additional information upon which the findings and actions set forth in this Resolution are based.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Albany as follows:

Section 1. All the Recitals above are true and correct and incorporated herein.
Section 2  The City Council hereby finds, for the following reasons, and based on the provision of CEQA (with particular reference to 14 California Code of Regulations, Section 15162), that the EIR has served as the environmental documentation pursuant to CEQA for approval of this Resolution and the Purchase and Sale Agreement. Specifically, the City Council finds that the acquisition of property for future redevelopment purposes was evaluated in the EIR. The City Council further specifically finds that there have not been any of the following occurrences since the approval of the EIR that would require subsequent or supplemental environmental documents in connection with approval of this Resolution and the Purchase and Sale Agreement:

a. there have not been substantial changes in the program analyzed in the EIR which would require major revisions in the EIR and the Mitigation Monitoring Program;

b. there have not been substantial changes with respect to the circumstances under which the program analyzed in the EIR will be undertaken which would require major revisions in the EIR and the Mitigation Monitoring Program; and

c. there has not been the appearance of new information which was not known and could not have been known as of the date of approval of the EIR and the Mitigation Monitoring Program which is relevant to the approval of the EIR and the Mitigation Monitoring Program as it relates to the Purchase and Sale Agreement.

The City Council further finds that any subsequent use of the Property will be subject to the appropriate CEQA review.

Section 3  The City Council hereby approves the Purchase and Sale Agreement and authorizes the City Manager to enter into and execute the Agreement on behalf of the City, substantially in the form on file with the City Clerk, with such revisions as are reasonably determined necessary by the City signatory, such determination to be conclusively deemed to have been made by the execution of the Agreement by the City signatory. The City Manager is authorized to implement the Agreement and take all further actions and execute all other documents which are necessary or appropriate to carry out the Agreement.
Section 4 The City Manager is hereby authorized and directed to file Notices of Determination with respect to the Agreement in accordance with the applicable provisions of CEQA.

Section 5 The City Manager is hereby authorized to take such further actions as may be necessary or appropriate to carry out the City's obligations pursuant to this Resolution and the Agreement.

Section 6 The City Clerk shall certify to the adoption of this Resolution.

Section 7 This Resolution shall take effect immediately upon adoption.

[Signature]
RESOLUTION NO. 2011-7a

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,
this 17th day of January, 2011, by the following votes:

AYES: Council Members Lieber, Wile & Vice-Mayor Atkinson

NOES: None

ABSENT: None        RECUSED: Council Member Thomsen & Mayor Javandel


JACQUELINE L. BUCHOLZ, CMC
CITY CLERK
LEGAL DESCRIPTION

Real property in the City of Albany, County of Alameda, State of California, described as follows:

Parcel 1:

Portions of Calhoun Street, Washington Avenue (now Bayview Street), Arthur Street, Pierce Street, and Blocks 1, 2, 3, and 4 of that "Amended Map of Sunset Terrace, Oakland Twp., Alameda County, California", filed April 8, 1907 in Book 22 of Maps, Page 68, Alameda County Records: and also, those portions of those certain parcels of land described in the deeds to the State of California recorded in the County of Alameda, State of California as follows:

Recording Date Book Page

December 24, 1934 3130 220
February 11, 1938 3569 404
December 17, 1943 4467 162
March 12, 1957 6309 311

and more particularly described as a whole as follows:

COMMENCING at the southerly terminus of that certain course described as "N. 21° 17' 15" W., 492.43 feet" in Parcel 6 in that certain instrument entitled "Reinishment of State Highway in the City of Albany, Road IV-4Ala-69, 7-Alb, Reinishment No. 22036", recorded October 9, 1961, in Reel 425 at Image 832, Official Records of Alameda County; thence along the general westerly line of said Parcel 6, the following five (5) courses: (1) from a tangent that bears S. 21° 17' 15" W. along a curve to the right with a radius 483.00 feet, through an angle of 25° 03' 41" E., an arc length of 244.99 feet; (2) S. 07° 46' 26" W., 96.79 feet; (3) along a tangent curve to the left with a radius of 317.00 feet, through an angle of 21°04'24", an arc length of 116.60 feet; (4) S. 13°18'02" E., 237.80 feet; and (5) S. 11°24'17" E., 166.05 feet to the southeasterly corner of Lot 24 of said Block 3; thence leaving said general westerly line, S. 76°50'00" W. along the southerly line of last said Lot 24, a distance of 79.10 feet to a point in the northeasterly prolongation of the northwesterly line of the parcel of land described in deed (State Director's Deed No. 21-DD), recorded July 10, 1964, in Reel 1256, at Image 452, Official Records of Alameda County, said point being the most easterly corner of the parcel of land as described in the deed to State of California, recorded March 28, 1957 in Book 8324, Page 361, Official Records of said county; thence along said northwesterly prolongation and said northwesterly line S. 24°54'56" W., 317.59 feet to the northeasterly corner of Lot 11 of said Block 4; thence along the general easterly lines of said Lot 11, and Lots, 10, 9, and 8 of last said Block, S 13°10'00" E., 99.99 feet to the southeasterly corner of last said Lot 8; thence along the southerly line of last said Lot 8, S. 76°50'00" W., 103.00 feet to the easterly line of Cleveland Avenue (50 feet wide) of said Amended Map of Sunset Terrace; thence along said easterly line of said Cleveland Avenue, N. 10°26'30" W., 260.24 feet to the beginning of a non-tangent curve; thence from a tangent that bears N. 15°42'00" E., along said curve to the left with a radius of 4535.00 feet, through an angle of 8°19'10", an arc length of 658.48 feet to the beginning of a compound curve; thence along said curve to the left with a radius of 1885.00 feet, through an angle of 9°11'25", an arc length of 302.36 feet; thence N. 48°32'08" E., 107.61 feet to the point of commencement.

Parcel 2:
COMMENCING on the easterly line of Cleveland Avenue at a point which bears N. 10°26'30" W., 260.24 feet from the intersection of the northerly line of Washington Avenue with the easterly line of Cleveland Avenue, as shown on the "Amended Map of Sunset Terrace, Oakland Twp., Alameda County, California, 1907" filed April 8, 1907 in book 22 of Maps, Page 68, Alameda County Records; thence along the said easterly line of Cleveland Avenue N. 10°26'30" W., 505.23; thence S. 80°18'14" E., 198.81 feet; thence southerly along a curve to the right with a radius of 4535.00 feet whose radius bears N. 80°18'14" W. through a central angle of 6°00'14", arc length of 475.21 feet to the point of commencement.

Parcel 3:

COMMENCING at the southerly terminus of that certain course described as "N 21°17'15" W., 492.43 feet" in Parcel 6 in that certain instrument entitled "Relinquishment of State Highway in the City of Albany, Road IV-Ala-69, 7-Alb, Relinquishment No. 22036", Recorded October 9, 1961 in Reel 425 at Image 832, Official Records of Alameda County; thence S. 48°32'08" W., 107.61 feet, thence northerly along a curve to the left whose center point bears S. 60°11'25" W., with a radius of 1685.00 feet, through a central angle of 14°14'01", arc length of 468.28 feet to a point on the westerly line of Pierce Street; thence S. 21°17'15" W. 492.43 feet to the point of commencement.

APNs:
66-2732-013
66-2733-01-6
66-2733-01-2
66-2733-08-3
and areas not assessed.
PIERCE STREET PARK
EXHIBIT MAP TO ACCOMPANY
LEGAL DESCRIPTION

CITY OF ALBANY