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RESOLUTION NO 2011-7

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

1 WHEREAS, the City and the Agency have entered into that certain Public Improvement
2 Grant and Cooperation Agreement, whereby the Agency has agreed to provide the City with
3 funds necessary for the purchase of the Property as well as other public improvements; and
4

5 WHEREAS, the City and the Agency expect to undertake a public process to determine
6 the ultimate use of the Property, which use will be consistent with the Redevelopment Plan; and
7

8 WHEREAS, acquisition of the Property will assist the Agency to accomplish the stated
9 goals in the Redevelopment Plan and its current Implementation Plan as described in the staff report
10 accompanying this Resolution (the "Staff Report"); and
11

12 WHEREAS, at the time of adoption of the Redevelopment Plan, the Agency and the City
13 certified that Final Environmental Impact Report for the Cleveland Avenue Eastshore Highway
14 Redevelopment Project (the "EIR"), which Environmental Impact Report was a program EIR
15 analyzing the impacts of the Redevelopment Plan; and
16

17 WHEREAS, because the acquisition of property for the purposes of implementation of the
18 Redevelopment Plan was contemplated in the EIR, the EIR has served as the CEQA documentation
19 for the acquisition of the Property; and
20

21 WHEREAS, the Staff Report, the Redevelopment Plan, the report to City Council
22 accompanying the Redevelopment Plan, the EIR, and the Implementation Plan provide
23 additional information upon which the findings and actions set forth in this Resolution are based.
24

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

27
28 Section 1 All the Recitals above are true and correct and incorporated herein.
29

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

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

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

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

19
20 The City Council further finds that any subsequent use of the Property will be subject to the
21 appropriate CEQA review.

22
23 Section 3 The City Council hereby approves the Purchase and Sale Agreement and authorizes
24 the City Manager to enter into and execute the Agreement on behalf of the City, substantially in
25 the form on file with the City Clerk, with such revisions as are reasonably determined necessary
26 by the City signatory, such determination to be conclusively deemed to have been made by the
27 execution of the Agreement by the City signatory. The City Manager is authorized to implement
28 the Agreement and take all further actions and execute all other documents which are necessary
29 or appropriate to carry out the Agreement

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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.