

**RESOLUTION NO. 2011-6**

**A Resolution of the City Council  
of the City of Albany, Approving a  
Public Improvements Grant and Cooperation Agreement  
and Making Certain Findings Related Thereto**

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 Cleveland Avenue/Eastshore Highway Redevelopment Plan ("Redevelopment Plan") for the Cleveland Avenue/Eastshore Highway Redevelopment Project Area ("Project Area"); and

WHEREAS, the Albany Community 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, in keeping with the goals of the Agency to eliminate blight and reduce physical and economic blight in accordance with the Redevelopment Plan and Agency's current Implementation Plan ("Implementation Plan"), the City and Agency have been working cooperatively regarding the development of certain public improvements in the Project Area; and

WHEREAS, due to the complexity of the projects and the varying funding sources, the Agency and the City mutually desire to enter into a Public Improvements Grant and Cooperation Agreement (the "Agreement", a copy of which is on file with the City Clerk and Agency Secretary through which the Agency shall pay for designated portions of, and the City shall conduct, public improvement projects to alleviate blighting conditions in the Project Area as set forth in the proposed Agreement; and

WHEREAS, implementation of the Agreement 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, under the California Redevelopment Law (Health and Safety code Section 33100 et seq.; the "Law"), before the Agency can expend money for public improvements, the Agency and the City must make specified findings pursuant to Health and Safety Code Section 33445; and

WHEREAS, pursuant to the Law, the Agency is authorized, with the consent of the City Council to pay for part, or all, of the costs of public improvements that are of benefit to the Project Area; and

WHEREAS, no other reasonable means of financing the estimated cost of the public improvements are available to the City or the community; and

WHEREAS, pursuant to State CEQA Guidelines Section 15378(b)(4), approval of the Agreement is not a project subject to the California Environmental Quality Act ("CEQA"), because the Agreement consists of the creation of a governmental funding mechanism for various public improvements, but does not commit funds to any specific public improvement, in that environmental review required by CEQA shall be completed prior to the commencement of any public improvement listed in the Agreement; and

WHEREAS, the Staff Report, the Redevelopment Plan, the report to City Council accompanying the Redevelopment Plan, 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.

In compliance with Section 33445 of the Law, the City Council hereby finds that: (a) the acquisition of the land or the installation or construction of the public improvements listed in the Agreement that are publicly owned are of benefit to the Project Area by helping to eliminate blight within the Project Area or providing housing for low- or moderate-income persons; (b) no other reasonable means of financing the acquisition of land or the installation or construction of the public improvements listed in the Agreement that are publicly owned are available to the community; and (c) the appropriation and payment of funds by the Agency for the acquisition of land or the cost of the public improvements listed in the Agreement that are publicly owned is consistent with the Agency's current Implementation Plan. These findings are based on the facts and analysis in the Staff Report incorporated in this Resolution.

Section 3.

The City Council consents to the Agency expenditures as called for in the Agreement for the public improvement projects listed in the Agreement, subject to completion of any environmental review required by CEQA prior to the commencement of any improvement listed in the Agreement.

Section 4.

The City Council hereby approves the Agreement and authorizes the City Manager to enter into and execute the Agreement on behalf of the City for the funding and completion of the projects listed in the Agreement, substantially in the form on file with the Agency Secretary and 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 5.

The City Manager is hereby authorized and directed to file Notices of Exemption with respect to the Agreement in accordance with the applicable provisions of CEQA.

Section 6.

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 7.

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

Section 8.

This Resolution shall take effect immediately upon adoption.

**APPROVED AND ADOPTED** by the City Council of the City of Albany at a special meeting on the \_\_\_\_ day of \_\_\_\_\_ 2011

\_\_\_\_\_  
\_\_\_\_\_, City Clerk