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**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

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

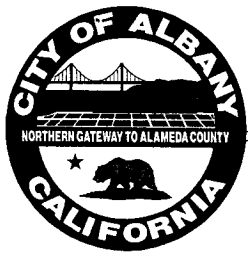
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3 Section 4 The City Manager is hereby authorized and directed to file Notices of Determination  
4 with respect to the Agreement in accordance with the applicable provisions of CEQA.

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

8  
9 Section 6 The City Clerk shall certify to the adoption of this Resolution.

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11 Section 7 This Resolution shall take effect immediately upon adoption.

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# City of Albany

1000 SAN PABLO AVENUE • ALBANY, CALIFORNIA 94706-2295

**CITY ADMINISTRATOR**  
PH. (510) 528-5710  
FAX (510) 528-5797

**CITY ATTORNEY**  
PH. (510) 524-9205  
FAX (510) 526-9190

**CITY CLERK**  
PH. (510) 528-5720  
FAX (510) 528-5797

**CITY COUNCIL**  
PH. (510) 528-5720  
FAX (510) 528-5797

**COMMUNITY DEVELOPMENT &  
ENVIRONMENTAL RESOURCES**

- Building
- Engineering
- Environmental Resources
- Maintenance
- Planning

PH. (510) 528-5760  
FAX (510) 524-9359

**FINANCE & ADMINISTRATIVE  
SERVICES**

**CITY TREASURER**  
PH. (510) 528-5730  
FAX (510) 528-2743

**FIRE & EMERGENCY MEDICAL  
SERVICES**

PH. (510) 528-5771  
FAX (510) 528-5774

**PERSONNEL**

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FAX (510) 528-5797

**POLICE**

PH. (510) 525-7300  
FAX (510) 525-1360

**RECREATION & COMMUNITY  
SERVICES**

1249 Marin Avenue  
PH. (510) 524-9283  
FAX (510) 528-8914

- Friendship Club/  
Childcare Program  
PH. (510) 524-0135
- Senior Center  
PH. (510) 524-9122  
FAX (510) 524-8940
- Teen Center  
PH. (510) 525-0576

**RESOLUTION NO. 2011-7a**

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

this 17<sup>th</sup> day of January, 2011, by the following votes:

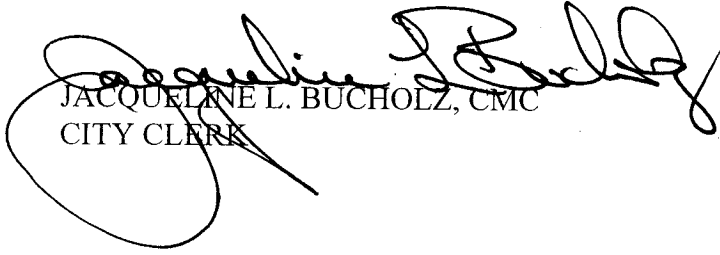
AYES: Council Members Lieber, Wile & Vice-Mayor Atkinson

NOES: None

ABSENT: None

RECUSED: Council Member Thomsen & Mayor Javandel

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this 3<sup>rd</sup>  
day of February, 2011.

  
JACQUELINE L. BUCHOLZ, CMC  
CITY CLERK

*The City of Albany is dedicated to maintaining its small town ambience, responding to the needs of the community,  
and providing a safe, healthy environment now and in the future.*



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**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 8309 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 "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 along the general westerly line of said Parcel 6, the following five (5) courses: (1) from a tangent that bears S. 21° 17' 15" E. along a curve to the right with a radius 483.00 feet, through an angle of 29° 03' 41", 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 northeasterly 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 last 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:**

*First American Title Insurance Company*

Order Number: NCS-466450-CC

Page Number: 5

COMMENCING on the easterly line of Cleveland Avenue at a point which bears N.  $10^{\circ}26'30''$  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.  $10^{\circ}26'30''$  W., 505.23'; thence S.  $80^{\circ}18'14''$  E., 198.81 feet; thence southerly along a curve to the right with a radius of 4535.00 feet whose radius bears N.  $80^{\circ}18'14''$  W. through a central angle of  $6^{\circ}00'14''$ , 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  $21^{\circ}17'15''$  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.  $48^{\circ}32'08''$  W., 107.61 feet, thence northerly along a curve to the left whose center point bears S.  $88^{\circ}11'25''$  W., with a radius of 1885.00 feet, through a central angle of  $14^{\circ}14'01''$ , arc length of 468.28 feet to a point on the westerly line of Pierce Street; thence S.  $21^{\circ}17'15''$  W. 492.43 feet to the point of commencement.

## APNs:

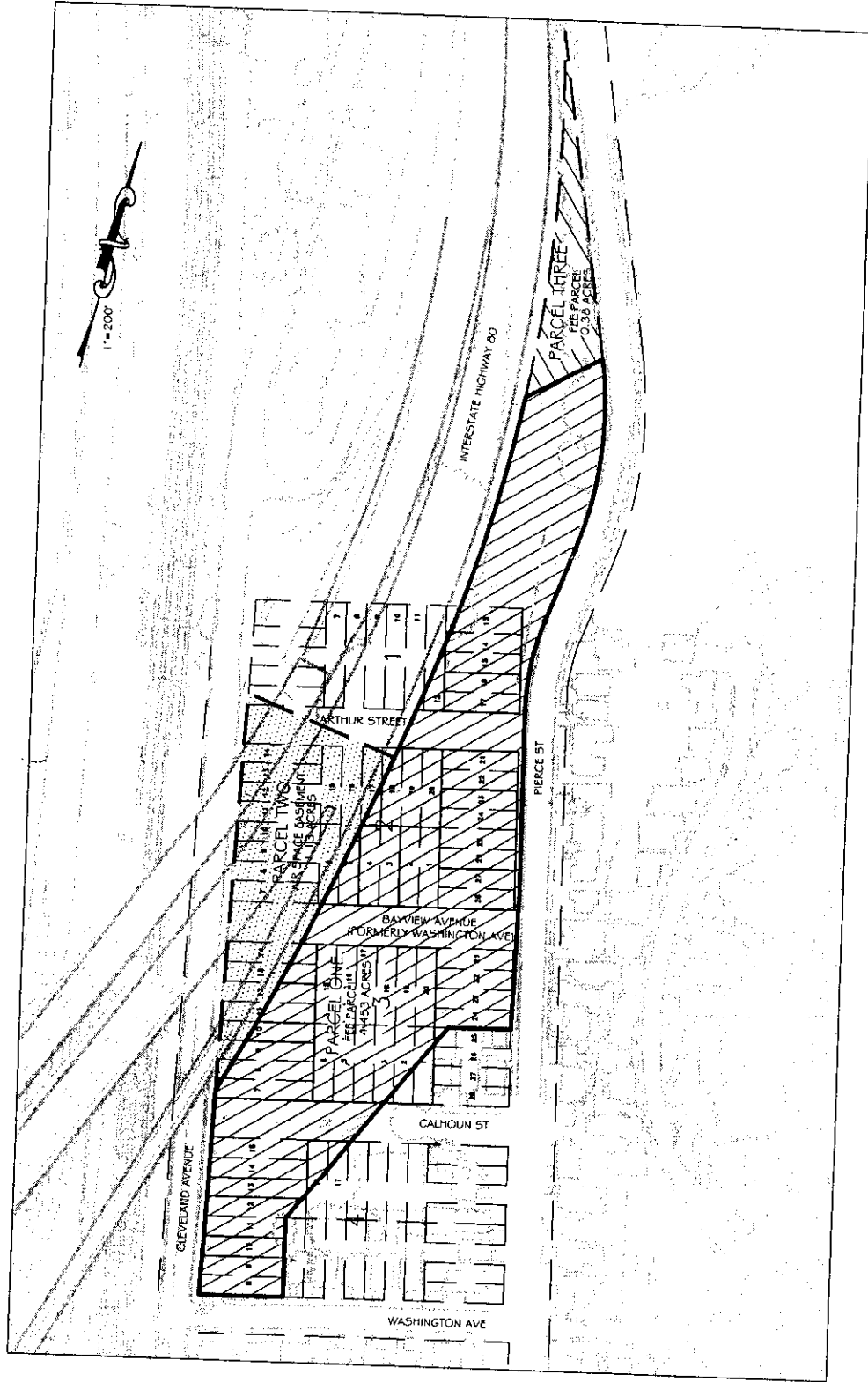
66-2732-013

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**

Prepared by  
 LCC Inc.  
 City Engineer  
 LCC JOB No. 27-033.07

CITY OF ALBANY  
 September 2010