

**MODESTO REDEVELOPMENT AGENCY
RESOLUTION NO. 04-2011**

RESOLUTION APPROVING THE TRANSFER OF FOUR (4) PARCELS (APNs 106-042-001, 106-042-002, 106-042-003 and 106-042-004) OWNED BY THE REDEVELOPMENT AGENCY TO THE CITY OF MODESTO, AND MAKING CERTAIN FINDINGS RELATING THERETO

WHEREAS, the City Council of the City of Modesto (“City”) approved and adopted the Modesto Redevelopment Plan (“Redevelopment Plan”) for the Modesto Redevelopment Project (the “Project Area”), and

WHEREAS, the Redevelopment Agency of the City of Modesto (“Agency”) is engaged in activities to execute and implement the Redevelopment Plan pursuant to the provisions of the California Community Redevelopment Law (Health and Safety Code Section 33000, *et seq.*) (“CRL”), and

WHEREAS, for the improvement of the Project Area and the immediate neighborhoods in which the Project Area is located, the Agency has recognized the need for certain public improvements, which improvements are located within the boundaries of the Project Area, and

WHEREAS, in accordance with the CRL, the Agency has used its tax increment funds received pursuant to CRL Section 33670 to pay for all or part of the cost of the value of land for certain properties located within the Project Area (collectively, the “Agency Properties”), as listed on the **attached Exhibit A**, and

WHEREAS, in response to the Governor’s proposed State budget package and proposals for FY 2011-2012, which include recommending the elimination of redevelopment agencies “to realign the delivery of state services to counties and local governments” and eliminate a projected State deficit of \$25.4 billion, the City Manager

and Agency Executive Director have proposed the transfer of the Agency Properties to the City to avoid losing control of these properties, and provide flexibility to preserve local public assets, and

WHEREAS, the Governor's budget proposal threatens the ability of the Agency to control the use of the Agency Properties, and control of the use of the Agency Properties is important to successful redevelopment of the Project Area, and

WHEREAS, transfer of the Agency Properties to the City is necessary in order to continue to carry out the Redevelopment Plan, and

WHEREAS, CRL Section 33430 authorizes a redevelopment agency to sell, lease, exchange, subdivide, transfer, assign, encumber and dispose of any real property or any interest in real property, and

WHEREAS, the City Council has considered all terms and conditions of the proposed transfer, and has determined that the proposed action is in the best interests of the City and in accord with the public purposes and provisions of applicable State and local laws, and

WHEREAS, the Agency is the lead agency pursuant to the California Environmental Quality Act (codified as Public Resources Code Sections 21000 *et seq*) ("CEQA") and the State CEQA Guidelines, and

WHEREAS, Agency staff has determined that the Agency's authorization of the transfer of the Agency Properties is exempt from CEQA, pursuant to the CEQA Guidelines set forth in California Code of Regulations, Title 14, Section 15378(b)(5), which provides that such authorizations are not considered a project subject to CEQA

review because the transfer of the Agency Properties is an organizational activity that will not result in direct or indirect physical changes in the environment,

NOW, THEREFORE, BE IT RESOLVED by the Redevelopment Agency of the City of Modesto as follows:

Section 1. Recitals: The Recitals set forth above are true and correct and incorporated herein.

Section 2. Findings: The Agency hereby finds and determines, based on the Recitals set forth above and the information made available in the staff report accompanying this resolution, the oral presentation of Agency staff, and all other written and oral evidence presented to the Agency, that the Agency's transfer of the Agency Properties is of benefit to the Project Area because the transfer of the Agency Properties to the City: (1) is in the best interest of the City and the health, safety, morals and welfare of its residents, businesses, tenants, and property owners, and (2) will assist in the elimination of one or more blighting conditions in the Project Area, stimulate economic development and minimize depreciated or stagnant property values and high business vacancies, while improving aesthetics and visibility in the Project Area.

Section 3. Transfer Authorization: In the event that the adoption of legislation is imminent, or legislation is adopted, whereby the Agency is disestablished, prohibited from continuing activities or making any new agreements for non-affordable housing related matters under the CRL, the Agency authorizes and directs the Executive Director of the Agency, with the concurrence of the Agency Counsel, to execute and deliver on behalf of the Agency, one or more grant deeds for the conveyance of the Agency Properties listed on **Exhibit A** to the City and to take any action and execute any other

documents as may be necessary to implement this Resolution. Should it be later discovered that the Agency owns other properties not shown on **Exhibit A**, the Agency further authorizes and directs that those properties be transferred to the City immediately upon discovery.

Section 4. CEQA: The Agency directs and authorizes that a Notice of Exemption shall be filed with the Clerk of the County of Stanislaus, California, within five (5) working days following the date of adoption of this resolution.

Section 5. Effective Date: This resolution shall take effect immediately upon its adoption.

Section 6. Certification: The Agency Secretary shall certify to the passage and adoption of this resolution and the same shall thereupon take effect and be in force immediately upon its adoption.

The foregoing resolution was introduced at a regular meeting of the Modesto Redevelopment Agency held on the 5th day of July, 2011, by Agency Member Lopez, who moved its adoption, which motion being duly seconded by Agency Member Hawn, was upon roll call carried and the resolution adopted by the following vote:

AYES: Agency Members: Burnside, Geer, Hawn, Lopez, Marsh,
Mayor Ridenour

NOES: Agency Members: None

ABSENT: Agency Members: Muratore

ATTEST: 
STEPHANIE LOPEZ, Agency Secretary

(SEAL)

APPROVED AS TO FORM:

By: 
SUSANA ALCALA WOOD, General Counsel



APN: 106042001 – Parking Lot

Council District:	District 2
Zoning:	DC
General Plan:	RPD
CFD:	None
Redevelopment Area:	C, R, P
SOI:	Modesto
Fire Management Areas:	Station 1
Specific Plan:	None
Annexation:	Original City
Perimeter (Ft.):	430.04879223495
Square Footage:	10502.7489980067

APN: 106042002 – Parking Lot

Council District:	District 2
Zoning:	DC
General Plan:	RPD
CFD:	None
Redevelopment Area:	C, R, P
SOI:	Modesto
Fire Management Areas:	Station 1
Specific Plan:	None
Annexation:	Original City
Perimeter (Ft.):	380.038722727459
Square Footage:	7001.78481590446

APN: 106042003 – Parking Lot

Council District:	District 2
Zoning:	DC
General Plan:	RPD
CFD:	None
Redevelopment Area:	C, R, P
SOI:	Modesto
Fire Management Areas:	Station 1
Specific Plan:	None
Annexation:	Original City
Perimeter (Ft.):	380.039515499222
Square Footage:	7001.83721893764

APN: 106042004 – Parking Lot

Council District:	District 2
Zoning:	DC
General Plan:	RPD
CFD:	None
Redevelopment Area:	C, R, P
SOI:	Modesto
Fire Management Areas:	Station 1
Specific Plan:	None
Annexation:	Original City
Perimeter (Ft.):	380.039584655545
Square Footage:	7001.82319021312