

**MODESTO REDEVELOPMENT SUCCESSOR AGENCY
RESOLUTION NO. 01-2013**

A RESOLUTION AUTHORIZING THE TRANSFER OF FOUR (4) PARCELS OWNED BY THE FORMER REDEVELOPMENT AGENCY TO THE CITY OF MODESTO; AND AUTHORIZING THE SUCCESSOR AGENCY STAFF TO SUBMIT A REQUEST TO THE STATE OF CALIFORNIA DEPARTMENT OF FINANCE TO CONSIDER AUTHORIZING THE IMMEDIATE TRANSFER OF THESE PROPERTIES

WHEREAS, on September 23, 2003, by Resolution 2003-514, the Modesto City Council authorized the conveyance of the four (4) parking lots located at the corner of 10th Street and H Street in Modesto to the former Redevelopment Agency (RDA) for the purpose of selling the properties to Valley Towers, LLC, a California limited liability corporation, and

WHEREAS, this transaction was one of the conditions of a Disposition and Development Agreement (DDA) between the former RDA and Valley Towers, LLC, for the purpose of constructing a multi-use project consisting of office space, retail space and a parking garage, and

WHEREAS, the City of Modesto received no payment from the former RDA for the conveyance of these properties, and

WHEREAS, the properties were originally transferred from the City of Modesto to the former RDA on November 13, 2003 and from the former RDA to Valley Towers, LLC, on November 13, 2003, and

WHEREAS, the DDA between the former RDA and Valley Towers, LLC, provided for a total payment to the former RDA of \$880,000, and

WHEREAS, Valley Towers, LLC, was unable to perform under the terms and conditions of the DDA and the property was reconveyed to the former RDA on January 25, 2005 for \$880,000, and

WHEREAS, the former RDA then entered into subsequent agreements with Team Modesto to negotiate for the development of another mixed use project on these properties, and

WHEREAS, this project also failed to develop and the parking lots remained in the former RDA's name, and

WHEREAS, these properties are part of the site selected by the State of California, Judicial Council of California, Office of the Courts as the location for the new Stanislaus County Superior Courthouse, and

WHEREAS, negotiations with the State are currently underway for the sale of these properties, and

WHEREAS, these properties originally belonged to the City of Modesto, no payment was made to the City when the properties were transferred, and the operations, maintenance and revenues associated with these properties are conducted by the City and received by the City, and

WHEREAS, California Health and Safety Code section 34191.5 requires that Successor Agency's submit a Long Range Property Management Plan (LRPMP) that addresses the disposition and use of the real properties of the former RDA, and

WHEREAS, this plan is required to be submitted six (6) months after receiving the Finding of Completion from the State of California Department of Finance (DOF), and

WHEREAS, the Modesto Redevelopment Agency Finding of Completion was issued on April 26, 2013, and

WHEREAS, staff is working with Kosmont Company on the preparation of the LRPMP, however, the anticipated completion date of this document will delay and potentially impact the success of the property transactions with the State, and

WHEREAS, therefore, staff is requesting authorization to submit a separate request for these four parcels to the DOF,

NOW, THEREFORE, BE IT RESOLVED by the City of Modesto Redevelopment Successor Agency that it hereby authorizes the transfer of four (4) parcels owned by the former Redevelopment Agency to the City of Modesto; and authorizes the Successor Agency staff to submit a request to the State of California Department of Finance to consider authorizing the immediate transfer of these properties.

The foregoing resolution was introduced at a special meeting of the City of Modesto Redevelopment Successor Agency held on the 9th day of July, 2013, by Agency Member Cogdill, who moved its adoption, which motion being duly seconded by Agency Member Burnside, was upon roll call carried and the resolution adopted by the following vote:

AYES: Agency Members: Burnside, Cogdill, Geer, Gunderson, Lopez, Mayor Marsh

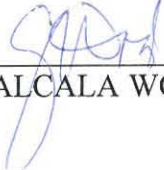
NOES: Agency Members: None

ABSENT: Agency Members: Muratore

ATTEST: 
STEPHANIE LOPEZ, Agency Secretary

(SEAL)

APPROVED AS TO FORM:

By: 
SUSANA ALCALA WOOD, City Attorney