

**MODESTO REDEVELOPMENT AGENCY
RESOLUTION NO. 01-2012**

RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE ALL DOCUMENTS NECESSARY TO TRANSFER TITLE OF AGENCY OWNED PROPERTY SPECIFICALLY FOUR (4) PARKING LOTS LOCATED AT THE CORNER OF 10TH STREET AND H STREETS (APN #S 106-42-01, 106-42-02, 106-42-03 AND 106-42-04) TO THE CITY OF MODESTO

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

WHEREAS, this transaction was one of the conditions of a Disposition and Development Agreement between the 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 Agency for the conveyance of this property, and

WHEREAS, the properties were originally transferred from the City of Modesto to the Redevelopment Agency on November 13, 2003 and from the Agency to (DDA) Valley Towers, LLC on November 13, 2003, and

WHEREAS, the Agency did not pay the City for the property, and

WHEREAS, the Disposition and Development Agreement between the Agency and Valley Towers, LLC provided for a total payment to the Agency 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 Agency on January 25, 2005 for \$880,000, and

WHEREAS, the Redevelopment Agency then entered into subsequent agreements with Team Modesto to negotiate for the development of another mixed use project on this property, and

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

WHEREAS, these lots are part of a site now under consideration by the State of California for the construction of a new Stanislaus County courthouse, and

WHEREAS, as this property originally belonged to the City of Modesto, no payment was made to the City when the property title was transferred, the operations, maintenance and revenue associated with this property is conducted by the City and received by the City, staff believes this property should be returned to the City of Modesto and is not subject to the administration of the successor agency or other regulations as outlined in AB 1X 26,

NOW, THEREFORE, BE IT RESOLVED by the Redevelopment Agency of the City of Modesto that it hereby authorizes the Executive Director to execute all documents necessary to transfer title of Agency owned property specifically four (4) parking lots located at the corner of 10th Street and H Streets (APN #s 106-42-01, 106-42-02, 106-42-03 and 106-42-04) to the City of Modesto.

The foregoing resolution was introduced at a regular meeting of the Modesto Redevelopment Agency held on the 24th day of January, 2012, by Agency Member Burnside, who moved its adoption, which motion being duly seconded by Agency Member Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Agency Members: Burnside, Cogdill, Geer, Gunderson, Lopez, Chair 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

**MODESTO REDEVELOPMENT AGENCY
RESOLUTION NO. 02-2012**

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE
ALL DOCUMENTS NECESSARY TO TRANSFER TITLE OF AGENCY
OWNED PROPERTY TO THE CITY OF MODESTO, AS ITS SUCCESSOR
AGENCY, AS PROVIDED IN AB 1X 26**

WHEREAS, the Redevelopment Agency of the City of Modesto (“Agency”) was created by the City Council for the purposes of implementing redevelopment activities in the City, and

WHEREAS, the City Council adopted the Redevelopment Plan for the Modesto Redevelopment Project in accordance with the Community Redevelopment Law (Health and Safety Code § 33000 *et seq.*) (“CRL”), and

WHEREAS, the Modesto Redevelopment Project Area was found to have a significant number of physical and economic blighting conditions that necessitated adoption of the Redevelopment Plan, and

WHEREAS, the Redevelopment Plan authorizes the Agency to receive tax increment revenue to pay for programs and projects that address these conditions consistent with the CRL, and

WHEREAS, in January, 2011, the Governor announced his intent to eliminate redevelopment agencies as a way to help balance the State budget, and

WHEREAS, the Legislature then enacted and the Governor signed Assembly Bill 1X 26 (“AB 1X 26”) and Assembly Bill 1X 27 (“AB 1X 27”), and

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

WHEREAS, AB 1X 26 immediately suspended all new redevelopment activities and incurrence of indebtedness, and dissolves redevelopment agencies effective October 1, 2011, and

WHEREAS, AB 1X 27 allowed a city or county that had a redevelopment agency to avoid dissolution by adopting an ordinance agreeing to make specified payments to reduce the State budget deficit, and

WHEREAS, a Petition for Writ of Mandate was filed in the Supreme Court of the State of California on July 18, 2011 (*California Redevelopment Association, et al. v. Ana Matosantos, et al.*, Case No. S194861), challenging the constitutionality of AB 26 and AB 27 on behalf of cities, counties and redevelopment agencies and requesting a stay of enforcement, and

WHEREAS, on August 11, 2011, and August 17, 2011, the Supreme Court stayed portions of AB 1X 26, and stayed AB 1X 27 in its entirety during the pendency of the matter, and

WHEREAS, on December 29, 2011, the Supreme Court issued its final decision, upholding AB 1X 26, invalidating AB 1X 27, and extending all statutory deadlines under AB 1X 26, essentially dissolving all redevelopment agencies throughout the State effective February 1, 2012, and

WHEREAS, AB 1X 26 provides that the City will be the “successor agency” to the Agency and responsible for the wind down of the Agency’s affairs, and

WHEREAS, the activities of the City, as successor agency, will be overseen by an oversight board, comprised primarily of representatives of other affected taxing agencies, until such time as the debts of the Agency are paid off, and

WHEREAS, all Agency liquidated assets and all property taxes will be redirected to local taxing agencies, and

WHEREAS, on January 24, 2012, the City of Modesto elected to serve as the successor agency, and

WHEREAS, the Modesto Redevelopment Agency is the owner of eleven (11) properties identified in **attachment A**, and

WHEREAS, four of those properties, parking lots on the corner of the 10th and H Streets, are addressed in a separate resolution, and

WHEREAS, the remaining seven (7) properties are the subject of this report and include the parking garages located on 9th and 11th Streets, one parking lot located on 9th Street, the retail space located on the first floor of Tenth Street Place, the Modesto Centre Plaza and the Centre Plaza Bridge connecting the 9th Street garage to the Doubletree Hotel,

NOW, THEREFORE, BE IT RESOLVED by the Redevelopment Agency of the City of Modesto that it hereby authorizes the Executive Director of the Agency to execute all documents associated with the transfer of these properties from the Agency to the City.

The foregoing resolution was introduced at a regular meeting of the Modesto Redevelopment Agency held on the 24th day of January, 2012, by Agency Member Burnside, who moved its adoption, which motion being duly seconded by Agency Member Geer, was upon roll call carried and the resolution adopted by the following vote:

AYES: Agency Members: Burnside, Cogdill, Geer, Gunderson, Lopez, Chair Ridenour

NOES: Agency Members: None

ABSENT: Agency Members: Muratore

ATTEST: Stephanie Lopez
STEPHANIE LOPEZ, Agency Secretary

(SEAL)

APPROVED AS TO FORM:

By: Susana Alcala Wood
SUSANA ALCALA WOOD, General Counsel

Attachment A

	APN	Address	Street	City, State	Current use
1	105-37-32	11TH STREET	11TH ST	MODESTO, CA 95354-0000	Parking garage
2	105-37-33	1010 TENTH ST 1st FLOOR	1010 10TH ST	MODESTO, CA 95354	Retail parcel
3	105-37-34	1010 TENTH ST 1st FLOOR	10TH ST	MODESTO, CA 95354	Retail parcel
4	105-41-21	9TH STREET	9TH ST	MODESTO, CA 95354-0000	Parking garage
5	105-48-06	1125 9TH STREET	1125 9TH ST	MODESTO, CA 95354-0000	Parking garage
6	105-48-08	9TH STREET	9TH ST	MODESTO, CA 95354-0000	Centre Plaza Bridge
7	105-48-11	1150 9TH ST	1125 11TH ST	MODESTO, CA 95354-0000	Centre Plaza
8	106-42-01	10th Street & H Street	10TH Street	MODESTO, CA 95354-0000	Parking Lot
9	106-42-02	10th Street & H Street	10th Street	MODESTO, CA 95354-0000	Parking Lot
10	106-42-03	10th Street & H Street	10th Street	MODESTO, CA 95354-0000	Parking Lot
11	106-42-04	10th Street & H Street	10th Street	MODESTO, CA 95354-0000	Parking Lot