

RESOLUTION NO. 2011-320

Adopted by the Sacramento City Council

May 31, 2011

AUTHORIZATION TO EXECUTE A TRANSFER AGREEMENT AND REGULATORY AGREEMENTS WITH THE REDEVELOPMENT AGENCY OF THE CITY OF SACRAMENTO FOR TRANSFER OF REAL PROPERTY INCLUDING ST. ROSE OF LIMA PARK (0 AND 705 K STREET), A PORTION OF THE DOCKS RIVERFRONT PROMENADE/PIONEER LANDING PARK (0 FRONT STREET) AND A PORTION OF J. NEELY JOHNSON PARK (0 11TH STREET) FROM THE REDEVELOPMENT AGENCY OF THE CITY OF SACRAMENTO TO THE CITY OF SACRAMENTO; AND MAKE RELATED FINDINGS

BACKGROUND

- A. The Redevelopment Agency of the City of Sacramento ("Agency") has ownership interest in certain real property ("Property"), in two project areas, the Merged Downtown Redevelopment Project Area and the Alkali Flat Project Area. The properties are generally described as St. Rose of Lima Park, APNs: 006-0096-020 and 021, a portion of the Docks Riverfront Promenade/Pioneer Landing Park, APN: 006-0241-007 & 011, and a portion of J. Neely Johnson Park, APN: 002-0116-047.
- B. The City of Sacramento ("City") currently operates and maintains St. Rose of Lima Park, Docks Riverfront Promenade/Pioneer Landing Park and J. Neely Johnson Park.
- C. The City desires to accept the transfer of Agency ownership interest in the Property and to utilize the property as city parks for the long term.
- D. On July 11, 2006, the Agency entered into a lease for a portion of St. Rose of Lima Park for 717 K Street Building Public Access and Outdoor Restaurant Seating with Sequoia Investments, L.P. On November 11, 2009, the Agency entered into a First Clarification and Technical Amendment to Patio Lease with Sequoia Investments, L.P.
- E. The City desires to accept the assignment of the lease for a portion of St. Rose of Lima Park for 717 K Street Building Public Access and Outdoor Restaurant Seating.
- F. The J. Neely Johnson Park property was purchased by the Agency with Community Development Block Grant funds in 1979 and Agency desires to transfer the property, which has no foreseeable use to the Agency, to the City which has continuously operated and maintained the site as a park for approximately 30 years.
- G. Acceptance of the Agency interests by the City without a change to the existing condition or use of the Agency parcels does not constitute a "project" under California Environmental Quality Act (CEQA) requiring environmental review pursuant to Public Resources Code Section 21065.

- H. Because one parcel within J. Neely Johnson Park was purchased with federal Community Development Block Grant funds, environmental review under the National Environmental Quality Act (NEPA) is required for the transfer of this property only. The proposed action to transfer the J. Neely Johnson Park parcel from the Agency to the City is categorically excluded under NEPA per 24 CFR Part 58.35 (a)(5), which covers dispositions where the structure and/or land will be retained for the same use.
- I. Proper notice of the actions contained herein has been given and a public hearing has been held in accordance with Health and Safety Code Sections 33431 and 33433.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. All evidence presented, after a public hearing, having been duly considered, the findings, including environmental findings regarding this action as stated above, are approved.
- Section 2. The statements and findings of the Redevelopment Agency's 33433 Reports are true and correct and are hereby adopted. The 33433 Reports are included as Exhibit A.
- Section 3. The Agency transfer of the J. Neely Johnson Park parcel (APN: 002-0116-047) from the Agency to the City is approved.
- Section 4. The City consents to the transfer of the following properties from the Agency: St. Rose of Lima Park (APN 006-0096-020 and 006-0096-021), Docks Riverfront Promenade/Pioneer Landing Park (APN: 006-0241-007 and 006-0241- 011).
- Section 5. The Interim City Manager, or his designee, is authorized to execute a Transfer Agreement and Regulatory Agreements (Exhibit B) with the Agency to accept the transfer of the following properties: St. Rose of Lima Park (APN 006-0096-020 and 006-0096-021), Docks Riverfront Promenade/Pioneer Landing Park (APN: 006-0241-007 and 006-0241- 011) and the J. Neely Johnson Park parcel (APN: 002-0116-047) and is authorized to carry out all activities reasonably necessary to accomplish this transfer of properties, including the execution and recordation of a Certificate of Acceptance.
- Section 6. The Interim City Manager, or his designee, is authorized to execute an Assignment and Assumption Agreement (Exhibit C) assuming the rights and obligations of a landlord for the lease of a portion of St. Rose of Lima Park for 717 K Street Building Public Access and Outdoor Restaurant Seating dated July 11, 2006.

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Exhibit A – 33433 Reports

Exhibit B – Transfer Agreement and Regulatory Agreements

Exhibit C – Assignment and Assumption Agreement

Adopted by the City of Sacramento City Council on May 31, 2011 by the following vote:

Ayes: Councilmembers Ashby, Cohn, D Fong, R Fong, McCarty, Pannell, Schenirer, Sheedy, and Mayor Johnson.

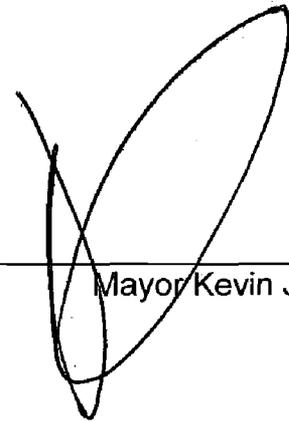
Noes: None.

Abstain: None.

Absent: None.

Attest:


Shirley Concolino, City Clerk



Mayor Kevin Johnson