

RESOLUTION NO. 2011-027

Adopted by the Redevelopment Agency
of the City of Sacramento

May 31, 2011

AUTHORIZATION TO EXECUTE A TRANSFER AGREEMENT AND REGULATORY AGREEMENTS WITH 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 adopted the Merged Downtown Redevelopment Plan and Alkali Flat Redevelopment Area Plan ("Redevelopment Plans") and Implementation Plans for the Merged Downtown Project Area and Alkali Flat Project Area ("Implementation Plans").
- B. The Agency has ownership interest in certain real property ("Property") in the Project Area. The properties are generally described as 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 J. Neely Johnson Park, (APN 002-0116-047).
- C. The St. Rose of Lima Park is comprised of two parcels, which were purchased with tax increment funds and have been continuously operated and maintained as a park by the City of Sacramento ("City") Department of Parks and Recreation for approximately forty (40) years and the Agency desires to transfer the parcels to the City for continued use as a park.
- 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. and on November 11, 2009, the Agency entered into a First Clarification and Technical Amendment to Patio Lease with Sequoia Investments, L.P.
- E. The Agency desires to transfer its interest in the lease to the City.
- F. The Docks Riverfront Promenade/Pioneer Landing Park includes two parcels, which were purchased with tax increment funds, on the Sacramento Waterfront and were included in the construction of the Docks Riverfront Promenade as approved by Grantor and City resolutions numbered R2008-488 and 2009-059, respectively. Improvements were made by the City to these parcels and they are maintained and operated as a park by the City of Sacramento Department of Parks and Recreation.

- G. One parcel within the J. Neely Johnson Park was purchased with Community Development Block Grant funds in 1979. The entire park has been continuously operated and maintained as part of that park by the City of Sacramento Department of Parks and Recreation for approximately thirty (30) years and the Agency desires to transfer the parcel, which has no foreseeable use to the Agency, to the City to ensure the continued use of the parcel for the benefit of local residents.
- H. A noticed comment period from April 29th through May 31st, 2011 was published in the Sacramento Bee and a public hearing soliciting comments on the J. Neely Johnson Property Transfer was held by the Sacramento Housing and Redevelopment Commission on May 18, 2011.
- I. Reports for St. Rose of Lima Park, (APN 006-0096-020 and 006-0096-021) and Docks Riverfront Promenade/Pioneer Landing Park (APN 006-0241-007 and 006-0241-011) under Health and Safety Code Section 33433 have been prepared, are on file with the Agency Clerk and made available for public review pursuant to Section 33433.
- J. Acceptance of the Agency interest by the City without a change to the existing condition or use of the Agency parcels does not constitute a "project" requiring environmental review under the California Environmental Quality Act pursuant to Public Resources Code Section 21065.
- K. The J. Neely Johnson Park parcel was purchased with federal Community Development Block Grant funds; therefore, environmental review under the National Environmental Policy Act (NEPA) is required for the transfer of this property only. The proposed action to transfer 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.
- L. Proper notice of the actions contained herein have 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 REDEVELOPMENT AGENCY RESOLVES AS FOLLOWS:

- Section 1. All evidence presented at the public hearing having been duly considered, the findings, including environmental findings regarding this action as stated above, are approved.
- Section 2. The transfer of one parcel (APN 002-0116-047 in J. Neely Johnson Park) is consistent with both the Community Development Block Grant and the Alkali Flat Redevelopment Plan goals of emphasizing environmental character and public places, creating places and destinations and enhancing the quality of life of Alkali Flat residents through public space, which is a critical part of the community amenity base.

- Section 3. The statements and findings of the 33433 Reports (included as Exhibit A) for the transfer of the four parcels (APN 006-0096-020, 006-0096-021, 006-0241-007 and 006-0241-011) in St. Rose of Lima Park, and Docks Riverfront Promenade/Pioneer Landing Park are true and correct and are hereby adopted. The property transfers are consistent with the Merged Downtown Redevelopment Plan goals of broadening the appeal of Downtown, creating a regional destination and emphasizing environmental character and public places. The transfers are also consistent with the Implementation Plan Redevelopment Strategies of creating places and destinations, enhancing the urban waterfront and making connections and places (downtown streets and open spaces).
- Section 4. The Executive Director, or her designee, is authorized to execute a Transfer Agreement and Regulatory Agreements (included as Exhibit B) for 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 J. Neely Johnson Park (APN: 002-0116-047).
- Section 5. The Executive Director, or her designee, is authorized to execute an Assignment and Assumption Agreement (included as Exhibit C) 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.
- Section 6. The Executive Director, or her designee, is authorized to take all actions reasonably necessary to transfer the properties to the City of Sacramento at no cost.

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Exhibit A - 33433 Reports

Exhibit B - Transfer Agreement and Regulatory Agreements

Exhibit C - Assignment and Assumption Agreement

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

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

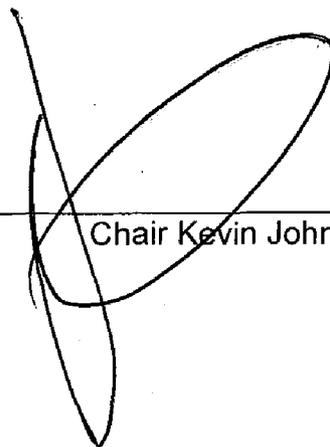
Noes: None.

Abstain: None.

Absent: None.

Attest:


Shirley Concolino, Secretary


Chair Kevin Johnson