

**RESOLUTION NO. 06-31**

**A RESOLUTION OF THE RICHMOND COMMUNITY REDEVELOPMENT AGENCY, RICHMOND, CALIFORNIA, APPROVING AND AUTHORIZING THE EXECUTION OF A PUBLIC IMPROVEMENTS DEVELOPMENT AGREEMENT, AND MAKING FINDINGS AND APPROVALS PURSUANT TO THE CALIFORNIA COMMUNITY REDEVELOPMENT LAW**

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WHEREAS, the City Council of the City of Richmond (the "City Council") adopted the Amended and Restated Redevelopment Plan for Project Area No. 11-A (Harbour), adopted by Ordinance No. 31-99, dated July 13, 1999 (the "Redevelopment Plan"). The Redevelopment Plan sets forth a plan for redevelopment of Project Area No. 11-A (Harbour) (the "Project Area"); and

WHEREAS, the Richmond Community Redevelopment Agency (the "Agency") is responsible for administering the Redevelopment Plan to cause the redevelopment of the Project Area, including installation of public improvements consistent with the Redevelopment Plan; and

WHEREAS, it would be beneficial to the traffic circulation in the Project Area to make certain public improvements to Harbour Way South between Hall Avenue and the water as set forth in the proposed Public Improvements Development Agreement on file with the City Clerk (the "Agreement"), and the Agency desires to spend funds for the Public Improvements; and

WHEREAS, the Implementation Plan adopted by the Agency specifically identifies the installation of public improvements as a potential project; and

WHEREAS, installation of the Public Improvements conforms with the General Plan of the City; and

WHEREAS, the Agency expenditures for the Public Improvements will assist in the redevelopment of the Project Area and the Public Improvements are necessary to effectuate the purpose of the Redevelopment Plan; and

WHEREAS, pursuant to Health and Safety Code Section 33445, the Agency may, with the consent of the City Council, pay part or all of the cost of the Public Improvements if the City Council makes certain specified findings; and

WHEREAS, it is impractical from an architectural, engineering and construction standpoint to separately construct the Public Improvements because of their physical interrelationship with the improvements required to be constructed by the developer of the adjacent redevelopment project, and that the construction of the Public Improvements pursuant to the Agreement would result in a lower public cost and greater benefit than if such Public Improvements were separately bid and constructed by the Agency; and that as a result it is in the best interest of the Agency to waive the public contracting and purchasing procedures prescribed in Section 2.52 of the Richmond Municipal Code; and

WHEREAS, a Notice of Exemption was duly filed with the county clerk and the State of California; and

WHEREAS, by staff report accompanying this Resolution and incorporated into this Resolution by this reference (the "Staff Report"), the Richmond Community Redevelopment Agency has been provided with additional information upon which the findings and actions set forth in this Resolution are based.

NOW, THEREFORE, BE IT RESOLVED, that the Richmond Community Redevelopment Agency finds the above recitals are accurate.

BE IT FURTHER RESOLVED, that the Redevelopment Agency hereby finds and determines, pursuant to Health and Safety Code Section 33345, that: (a) the Public Improvements will be of benefit to the Project Area; (b) no other reasonable method of financing the Public Improvements is available to the community; (c) the Public Improvements will assist in the elimination of one or more blighting conditions inside the Project Area; and (d) the Agency assistance for the Public Improvements is consistent with the Agency's current Implementation Plan.

BE IT FURTHER RESOLVED, that the Redevelopment Agency hereby determines that it is impractical from an architectural, engineering and construction standpoint to separately construct the Public Improvements because of their physical interrelationship with the improvements to be constructed by the developer on the adjacent property, and that the construction of the Public Improvements pursuant to the Agreement would result in a lower public cost and greater benefit than if such Public Improvements were separately bid and constructed by the Agency; and that as a result, the public contracting and purchasing procedures prescribed in Section 2.52 of the Municipal Code of the City of Richmond are waived in the best interest of the Agency.

BE IT FURTHER RESOLVED, that the Agency hereby approves the Agreement, all exhibits thereto and all ancillary documents; approves execution by the Agency Chairperson or the Agency Executive Director of the Agreement, all exhibits thereto, and all ancillary documents necessary to effectuate the intent of the Agreement, substantially in the form on file with the Agency Secretary, with such changes as are approved by the Agency signatory; and authorizes the Agency Executive Director to implement the Agreement, all exhibits thereto and all ancillary documents necessary to effectuate the intent of the Agreement.

BE IT FURTHER RESOLVED, that the Agency hereby allocates up to \$500,000 from \_\_\_\_\_ for payments to be paid under the Agreement, and amends its budget accordingly.

BE IT FURTHER RESOLVED that the Redevelopment Agency designates the Agency Secretary as the custodian of the documents and other material which constitute the record of proceedings upon which the decision herein is based. These documents may be found at the office of the City Clerk at the Richmond City Hall, 1401 Marina Way South, Richmond, California 94804.

BE IT FURTHER RESOLVED that this Resolution shall take immediate effect from and after its passage.

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I certify that the foregoing Resolution was passed and adopted by the Richmond Community Redevelopment Agency at a joint meeting held on December 19, 2006 by the following vote:

AYES: Councilmembers Bates, Butt, Griffin, Marquez, McLaughlin, Rogers, Thurmond, Viramontes, and Mayor Anderson

NOES: None

ABSTENTIONS: None

ABSENT: None

DIANE HOLMES  
Clerk of the City of Richmond

[SEAL]

Approved:

IRMA L. ANDERSON  
Agency Chairperson

Approved as to Form:

JOHN EASTMAN  
Agency Counsel

State of California            }  
County of contra Costa       : ss.  
City of Richmond             }

I certify that the foregoing is a true copy of Resolution No. 06-31, finally passed and adopted by the Richmond Community Redevelopment Agency at a meeting held on December 19, 2006.