

**SUCCESSOR AGENCY RESOLUTION NO. 15-8**

**A RESOLUTION OF THE MEMBERS OF THE SUCCESSOR AGENCY TO THE RICHMOND COMMUNITY REDEVELOPMENT AGENCY BOARD AUTHORIZING EXECUTION OF A CONSTRUCTION AGREEMENT WITH O.C. JONES & SONS, INC. FOR CONSTRUCTION OF THE RICHMOND TRANSIT VILLAGE PHASE II NEVIN AVENUE IMPROVEMENTS BART TO 19<sup>TH</sup> STREET PROJECT**

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**WHEREAS**, the City Council of the City of Richmond (the "City Council") adopted the Amended and Restated Redevelopment Plan for the Merged Project Area, adopted by Ordinance No. 17-10 N.S., dated May 4, 2010 (the "Redevelopment Plan"); and

**WHEREAS**, the Redevelopment Plan sets forth a plan for redevelopment of the Merged Project Area (the "Project Area"); and

**WHEREAS**, the Richmond Community Redevelopment Agency (the "former Agency") was 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**, as part of the 2011-12 State budget bill, the California Legislature enacted, and the Governor signed, companion bills AB 1X 26 and AB 1X 27, requiring that each redevelopment agency be dissolved unless the community that created it enacts an ordinance committing it to make certain payments; 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 v. Ana Matosantos, et al.*, Case No. S194861), challenging the constitutionality of AB 1X 26 and AB 1X 27 on behalf of cities, counties and redevelopment agencies and requesting a stay of enforcement; and

**WHEREAS**, on December 29, 2011 the Supreme Court issued its final decision in the aforesaid litigation, 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 successor agencies be designated as successor entities to the former redevelopment agencies, and provides that, with certain exceptions, all authorities, rights, powers, duties and obligations previously vested with the former redevelopment agencies, under the California Redevelopment Law, are vested in the successor agencies; and

**WHEREAS**, in accordance with Health and Safety Code ("HSC") Section 34173, the Successor Agency to the Richmond Community Redevelopment Agency ("Successor Agency") was created on January 24, 2012; and

**WHEREAS**, the obligation to design and construct the Richmond Transit Village Phase II Nevin Avenue Improvements BART to 19<sup>th</sup> Street Project ("Project") is included in the approved Recognized Obligation Payment Schedules ("ROPS") for the periods January 2015 to June 2015 ("ROPS 14-15B") and July 2015 to December 2015 ("ROPS 15-16A") as line item No. 55, approved by the Oversight Board of the Successor Agency at its meetings of September 17, 2014 and February 24, 2015, respectively, and in compliance with HSC 34177 (l); and

**WHEREAS**, the California State Department of Finance, by its letters of October 30, 2014 and April 10, 2015, approved ROPS 14-15B and ROPS 15-16A, respectively, which approval determined the Project qualifies as an enforceable obligation; and

**WHEREAS**, HSC 34177 (a) requires that the Successor Agency make payments on debts and enforceable obligations listed on the approved ROPS; and

