

RESOLUTION NO. 16/17-19

A Resolution Authorizing Mt. Diablo Unified School District to Enter a Compensation Agreement with the City of Concord and Affected Taxing Entities Regarding Distribution of Net Proceeds from Disposition of Real Properties Held by City of Concord For Future Development Pursuant to Approved Long Range Property Management Plan

WHEREAS, Assembly Bill 1X 26, as subsequently amended by AB 1484 and SB 107 (collectively, the “Dissolution Law”) dissolved redevelopment agencies formed under the Community Redevelopment Law (Health and Safety Code Section 33000, *et seq.*); and

WHEREAS, under the Dissolution Law, all real property owned by the Concord Redevelopment Agency (“RDA”) at dissolution passed by operation of law to the Successor Agency to the Concord Redevelopment Agency (“Successor Agency”); and

WHEREAS, Section 34191.5(b) of the Dissolution Law required the Successor Agency to prepare and submit for review and approval by the Oversight Board for the Successor Agency (“Oversight Board”) and the California Department of Finance (“DOF”) a long-range property management plan (“LRPMP”) addressing the disposition and use of real property owned by the Successor Agency; and

WHEREAS, the Oversight Board approved the Successor Agency’s LRPMP on November 19, 2015; and

WHEREAS, DOF approved the Successor Agency’s LRPMP by letter dated December 1, 2015; and

WHEREAS, the approved LRPMP authorizes the Successor Agency to transfer the following four properties (collectively, “Retention Properties”) to the City of Concord (“City”) for retention and future development pursuant to an approved redevelopment plan under Section 34191.5(c)(2) of the Dissolution Law:

1. Concord Avenue Site, located at 1701 and 1711 Concord Avenue, Concord, CA 94520 (APN 112-101-022);
2. Town Center II/Galindo Street Site, located at 1753 Galindo Street, Concord, CA 94520 (APN 126-143-012);
3. Oak Street – West Site (APN 126-122-024); and
4. 1880 Market Street (Pine Street Site), located at 1880 Market Street, Concord, CA 94520 (APN 126-291-021); and

WHEREAS, the City is required, with respect to the Retention Properties, to “reach a compensation agreement with the other taxing entities to provide payments to them in proportion to their shares of the base property tax, as determined pursuant to [Health and Safety Code] section 34188, for the value of the property retained” (Health & Saf. Code § 34180(f)(1)); and

WHEREAS, the City has presented Mt. Diablo Unified School District the proposed Compensation Agreement (“Agreement”) which is attached to the staff report for Mt. Diablo Unified School District’s consideration, approval, and execution; and

WHEREAS, the Agreement requires the City to remit the net proceeds from the disposition of each of the Retention Properties to the Contra Costa County Auditor-Controller for distribution to the taxing entities in accordance with each taxing entity’s pro rata share of the tax base.

NOW, THEREFORE, THE MT. DIABLO UNIFIED SCHOOL DISTRICT BOARD RESOLVES AS FOLLOWS:

1. The Mt. Diablo Unified School District Board hereby finds and determines that the foregoing recitals are true and correct.

2. The Mt. Diablo Unified School District Board hereby approves and authorizes Nance Juner, Director of Budget and Fiscal Services or his or her designee, to execute and enter into the Agreement in the form attached to the staff report, with such further minor conforming, technical or clarifying changes or revisions as may be agreed to and approved by Lawrence Schoenke. The Director of Budget and Fiscal Services or his or her designee and Clerk/Secretary are further authorized and directed to take such further actions and execute such documents on behalf of the Mt. Diablo Unified School District Board as are necessary to carry out the Agreement.

3. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the Mt. Diablo Unified School District Board on December 12, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

I HEREBY CERTIFY that the foregoing Resolution No. 16/17-19 was duly and regularly adopted at a regular meeting of the Mt. Diablo Unified School District Board on December 12, 2016.

ATTEST: _____
Clerk

APPROVED AS TO FORM:

Lawrence Schoenke
General Counsel