

RESOLUTION NO. 36

**RESOLUTION OF THE OVERSIGHT BOARD OF THE SUCCESSOR AGENCY TO
THE FORMER MILPITAS REDEVELOPMENT AGENCY APPROVING THE
TRANSFER OF GOVERNMENT PURPOSE PROPERTY**

WHEREAS, California Health and Safety Code section 34181(a) provides that the Oversight Board may direct the Successor Agency (the "Successor Agency") to the former Redevelopment Agency of the City of Milpitas to transfer ownership of assets that were constructed and used for a governmental purpose, such as roads, school buildings, parks, police and fire stations, libraries and local agency administrative buildings, to the appropriate public jurisdiction pursuant to any existing agreements relating to the construction or use of such assets; and

WHEREAS, the Successor Agency holds title to the (i) real property listed in Schedule Y, attached hereto and incorporated herein by this reference, and (ii) non-real property capital assets and improvements listed in Schedule Z, attached hereto and incorporated herein by this reference (collectively, the "Government Purpose Properties"); and

WHEREAS, the City and the County have provided the Oversight Board with the Settlement Agreement ("Settlement Agreement"), dated June 17, 2014, by and among the County of Santa Clara and Emily Harrison, in her capacity as Santa Clara County Auditor-Controller (collectively, "County"); the Santa Clara County Office of Education; John Chiang, in his official capacity as California State Controller; the California Department of Finance and Michael Cohen, in his official capacity as Director of the California Department of Finance; the Milpitas Economic Development Corporation ("MEDC"); the City of Milpitas (the "City"); the Successor Agency; and the Milpitas Housing Authority (the "MHA," and collectively with the City, Successor Agency, and the MEDC, the "City Parties"); and

WHEREAS, pursuant to the Settlement Agreement, the County and the City Parties have jointly recommended that the Governmental Purpose Assets be transferred for government purposes pursuant to Section 1(a) of the Settlement Agreement, only if and after the City Parties have fully and completely performed its obligations under Section 2(a) of the Settlement Agreement; and

WHEREAS, the Oversight Board has duly noticed and convened a public meeting in accordance with Health and Safety Code section 34181(f) and considered the recommendations of the County, the City Parties, the public, and the information presented to the Oversight Board concerning the Government Purpose Properties and has determined the Government Purpose Properties to be used and constructed for a governmental purpose and appropriate for transfer in accordance with Health and Safety Code section 34181(a) in the manner recommended by the City Parties and the County.

NOW THEREFORE, THE OVERSIGHT BOARD DOES HEREBY RESOLVE, after consideration of staff presentations, reports, discussions, public comments, and other evidence presented, that the Oversight Board hereby finds and declares that the following:

1. The foregoing recitals are true and correct and incorporated herein.
2. The requirements of Health & Safety Code Section 34181(f) have been satisfied, in that the Oversight Board has held a public meeting to consider the transfer of the Government Purpose Properties from the Successor Agency to the City, ten (10) days public notice of said transfers was provided, and members of the public have been given an opportunity to comment on the transfer of the Governmental Purpose Assets.
3. All of the Government Purpose Properties constitute "governmental purpose" properties and the City is the "appropriate public jurisdiction" to which the Government Purpose Properties should be transferred in accordance with subdivision (a) of Health & Safety Code Section 34181.
4. The Oversight Board has considered the proposed terms and conditions for the transfer of the Government Purpose Properties set forth in Section 1(a) of the Settlement Agreement and finds these terms and conditions, which are incorporated into this Resolution by reference herein, are consistent with the goals of the Dissolution Legislation and the best interests of the affected taxing entities and the public.

BE IT FURTHER RESOLVED that the Oversight Board directs the Successor Agency as follows:

1. Only if and after the City Parties have fully and completely paid the Cash Remittance (as defined in the Settlement Agreement), in accordance with Section 2(a) of the Settlement Agreement, the Successor Agency shall transfer the Government Purpose Properties in the manner specified in Section 1(a) of the Settlement Agreement; provided, the Successor Agency shall reserve in itself, its successors and assigns, the right to enforce the terms and conditions of the dedication of the real property set forth in Section 1(a)(ii) of the Settlement Agreement.
2. The Successor Agency shall offer to the affected taxing entities an assignment of the Successor Agency's rights reserved in itself pursuant to the grant deed conveying the real property described in this Section 1(a)(ii) of the Settlement Agreement, including, but not limited to, the right to enforce the terms of the grant deed and the restrictions upon the real property provided therein.
3. The Successor Agency staff is authorized and directed to take all necessary actions to transfer of ownership of the Government Purpose Properties in accordance with Section 1(a) of the Settlement Agreement.

BE IT FURTHER RESOLVED that the Successor Agency staff is hereby directed to immediately electronically transmit this approved Resolution to the California Department of Finance in compliance with Health and Safety Code section 34179(h).

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BE IT FURTHER RESOLVED that the Clerk of the Oversight Board shall certify to the passage and adoption of this Resolution, and it shall become effective immediately as provided in Health and Safety Code section 34179(h).

PASSED AND ADOPTED this 19th day of June, by the following vote:

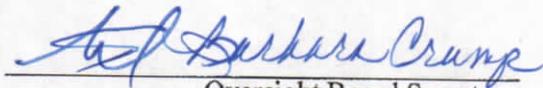
AYES: MENDIZABAL, MEDINA, GOMEZ, KARLAN, KNOPF, MCINERNEY, WILLIAMS

NOES: (0)

ABSENT: (0)

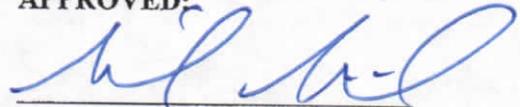
ABSTAIN: (0)

ATTEST:



, Oversight Board Secretary

APPROVED:



, Chair

**SCHEDULE Y
GOVERNMENT PURPOSE REAL PROPERTIES**

(a)

APN	Address	Description
022-02-047	1271-1275 N. Milpitas Blvd., City of Milpitas	Police Station HQ Public Works HQ
086-02-061	775 Barber Lane, City of Milpitas	Fire Station #4
028-24-044	160 N. Main Street, City of Milpitas	Library and Garage
086-11-008	777 S. Main Street, City of Milpitas	Fire Station #1
026-13-033	45 Midwick Drive, City of Milpitas	Fire Station #3
028-12-023	40 N. Milpitas Blvd., City of Milpitas	Community and Senior Center
022-02-012	1265 N. Milpitas Blvd., City of Milpitas	Corporation Yard

(b)

APN	Address	Description
029-17-004 to - 013 and 029-17- 015	1325 E. Calaveras Blvd., City of Milpitas	Milpitas Sports Center and Open Space

**SCHEDULE Z
GOVERNMENT PURPOSE CAPITAL ASSETS**

Asset Description	Parcel #/Project #	Amount
Bldg & Improv-Civic Center	CP8026	29,696,480
Bldg & Improv-Milpitas Sports Center	CP8053	4,416,813
Bldg & Improv-Police Dept-Public Works	CP8066	698,196
Bldg & Improv-ADA Fire Stations	CP8067	14,350
Bldg & Improv-Haz Material Remediation-City of Milpitas	CP8074	295,963
Bldg & Improv-Fire Station Replacement	CP8089	3,806,255
Bldg & Improv-Telecommunications Infrastructure	CP8093	3,203,374
Bldg & Improv-Storm Water Pump Improvement	CP8106	100,843
Bldg & Improv-Senior Center Renovation	CP8134	640,143
Bldg & Improv-Gateway Improv Tasman Drive	CP8146	329,543
Bldg & Improv-MSC Master Plan Imprv Phase 1	CP8149	1,146,160
Bldg & Improv-Refinish City Garage Floor	CP8150	23,610
Bldg & Improv-Interim Senior Center Project	CP8151	580,150
Bldg & Improv-Sports Center Large Gym Improv	CP8160	841,874
Bldg & Improv-Sports Center Underwater Pool	CP8163	90,418
Bldg & Improv-Public Works Security	CP8173	92,390
Bldg & Improv-Interim Senior Ctr Re-roofing	CP8178	79,853
Bldg & Improv-Sports Center Swimming Pool	CP8180	220,363
Bldg & Improv-Corporation Yard Canopies	CP8183	610,213
Bldg & Improv-Library Arts	CP8189	165,639
Land Improv-Senior Center Parking Lot	CP8005	0.00
Land Improv-Jacklin Median-Escuela to 680	CP8007	0.00
Land Improv-New Corporation Yard	CP8010	91,151
Land Improv-Milpitas Sport Center-East Parking Lot	CP8017/8042	469,465
Land Improv-City Hall Grounds Renovation	CP8028	0.00
Land Improv-Milpitas Sport Center-Pool Deck Drains	CP8054/8078	17,203
Land Improv-Civic Ctr Pond & Filtration System	CP8071	8,336
Land Improv-Public Works/Corp Yard Parking Lot	CP8083	243,689
Land Improv-Community Center Tot Lot	CP8088	43,188
Land Improv-Softball Scoreboards-Gill Pk	CP8097	33
Land Improv-Corp Yard Non-point Modifications	CP8099	220,122
Land Improv-MSC Sport Field Modifications	CP8101	10,162
Land Improv-Senior Center Entrance Modifications	CP8104	86,777
Land Improv-Civic Center Walkway Repair	CP8119	23,104
Land Improv-MSC Phases 11 & 12	CP8128	1,434
Land Improv-Range Improvements	CP8136	63,929
Land Improv-Gateway Identification	CP8137	117,421
Land Improv-City Gateway Identification(New)	CP8137B	18,245
Land Improv-City Hall Pond Improvements	CP8141	1,103,092
Land Improv-City Hall Parking/Circulation	CP8143	625,944
Mach & Equip-Senior Center Remodeling	CP8006E	0.00
Mach & Equip-Computer Master Plan	CP8020E	0.00
Mach & Equip-Computer Master Plan	CP8020E1	0.00

Asset Description	Parcel #/Project #	Amount
Mach & Equip-Phone Equipment	CP8027E1	0.00
Mach & Equip-Emergency Operation Center Equip	CP8036	249,907
Mach & Equip-New Finance System	CP8107	2,631,679
Mach & Equip-Network Hardware & Software	CP8108E	0.00
Mach & Equip-Network Hardware & Software	CP8108E1	22,370
Mach & Equip-Desktop Technology	CP8109	2,229,224
Mach & Equip-New Permits System	CP8110	58,112
Mach & Equip-Computer Aided Draft	CP8112	2,537,250
Mach & Equip-Police Records Management	CP8113E	10,930
Mach & Equip-Police & Fire CAD System	CP8115E	138
Mach & Equip-Information Management System	CP8131	660,920
Mach & Equip-Public Information	CP8132	0.00
Mach & Equip-Berryessa Pump Station Improvements	CP8138	1,198,612
Mach & Equip-Oakcreek Pump Station	CP8140	229,594
Mach & Equip-City Hall Technology	CP8142	0.00
Mach & Equip-E-Commerce	CP8145	0.00
Mach & Equip-Evidence Freezer	CP8159	90,554
CIP-Calaveras/Abel Dual Left Turn Lanes	CP8155	129,060
CIP-Street Resurfacing Project 2009	CP8194	2,233,972
CIP-Community Center Renovation	CP8102	445,736
CIP-Radio Replacement Plan	CP8125	1,075,073
CIP-Misc City Bldg Improvements	CP8135	953,163
CIP-Midtown Improvements	CP8154	2,385,545
CIP-Midtown Parking Garage	CP8161	12,095,507
CIP-Library Design	CP8162	36,950,597
CIP-Bart Extension Coordination & Planning	CP8164	472,418
CIP-Main Street Improvement	CP8165	7,283,814
CIP-N. Main Street EIR Mitigations	CP8169	623,650
CIP-Range Lead Containment System	CP8174	159,533
CIP-Senior Center	CP8176	10,644,675
CIP-City Building Improvement	CP8182	390,962
CIP-Storm Pump Station Improvement	CP8188	220,564
CIP-Green Facility Study	CP8190	72,973
CIP-Park Master Plan Improvement	CP8191	466
CIP-Carlo Street Ramp Project	CP8195	602,812
CIP-Sound wall Renovation	CP8196	212,014
CIP-Civic Center Site Improvement	CP8197	440,095
CIP-Department of Energy Grant Program	CP8198	806,460
CIP-Street Light Pole Improvement	CP8199	18,491
CIP-City Hall AV Equipment	CP9001	6,786
CIP-KP Infrastructure	CP-KB Dev	538,003
CIP-KP Infrastructure	CP-KB Dev	716
CIP-KP Infrastructure	CP-KB Dev	2,679,063