

RESOLUTION NO. 071202

BOARD OF SUPERVIORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

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RESOLUTION:

AUTHORIZING THE COUNTY MANAGER OR HIS DESIGNEE TO: (1) SUBJECT TO THE CITY OF REDWOOD CITY SATISFACTORILY MEETING ITS CONDITIONAL VACATION OF RIGHT-OF-WAY AND TRANSFER OF PROPERTY UNDERTAKINGS AS SET FORTH IN THE MOU BETWEEN THE COUNTY AND REDWOOD CITY, ACCEPT THE ASSIGNMENT FROM THE CITY OF REDWOOD CITY OF FOUR OPTIONS TO PURCHASE THE LAND AND IMPROVEMENTS COMMONLY KNOWN AS 20, 50, 70 AND 80 CHEMICAL WAY, REDWOOD CITY BY EXECUTING THE ASSIGNMENT AND ASSUMPTION AGREEMENT WITH REDWOOD CITY; AND (2) EXERCISE EACH AND ALL OF THE OPTIONS TO PURCHASE FOR AND ON BEHALF OF THE COUNTY OF SAN MATEO; AND (3) EXECUTE NOTICES, EXTENSIONS, DOCUMENTS, APPLICATIONS, LEASES AND AGREEMENTS ASSOCIATED WITH THE ACQUISITION AND IMPROVEMENT OF THE PROPERTY, INCLUDING, WITHOUT LIMITATION, ESCROW INSTRUCTIONS, CERTIFICATES OF ACCEPTANCE AND RELOCATION AGREEMENTS, IN ORDER TO FACILITATE THE ACQUISITION AND IMPROVEMENT OF THE PROPERTY AND TO MEET THE INTENT OF THIS RESOLUTION AND THE BOARD.

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California, that

WHEREAS, the County desires to construct new or expand additional jail facilities ("Replacement Jail Facility"); and

WHEREAS, the County has considered various sites for the Replacement Jail Facility; and

WHEREAS, at its October 19, 2010 meeting, this Board authorized the Sheriff, with support of County staff, to proceed with all necessary steps to bring a proposed Replacement Jail Project at what is now referred to as the "Woodhouse Industrial Park Site" ("the Property") to this Board for consideration; and

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WHEREAS, this Board, as the lead agency, has acted in accordance with the requirements of the California Environmental Quality Act ("CEQA") and certified the Mitigated Negative Declaration and adopted the Mitigation, Monitoring, and Reporting Program ("MMRP") for the Replacement Jail Facility Project; and

WHEREAS, Redwood City has entered into four (4) Real Estate Option Agreements (the "Option Agreements") with the owners of property located within Redwood City at 20, 50, 70 and 80 Chemical Way, in the Woodhouse Industrial Park Site, pursuant to which Option Agreements Redwood City has the right to purchase and acquire the Property; and

WHEREAS, Redwood City and the County have entered into a Memorandum of Understanding that sets forth the understandings and responsibilities of Redwood City and the County in connection with the County's acquisition of the Property through the assumption of the Option Agreements through the execution of an Assignment and Assumption Agreement with Redwood City, and the exercise of the purchase options under the Option Agreements; and

WHEREAS, the County, subject to the satisfactory completion by Redwood City of the conditional vacation of its interests and rights in the Chemical Way right-of-way, and the transfer to the County of the two City-owned one foot strips of land that lie between the North side of the Property and Maple Street, wishes and intends to accept the assignment of the Option Agreements by executing the Assignment and Assumption Agreement and to purchase the Property on the terms and conditions set forth in the Option Agreements; and

WHEREAS, it is currently anticipated that the City will complete its obligations under the MOU in time such that the County will be prepared to execute the Assignment and Assumption Agreement on or before December 22, 2010, and to exercise the options on or before December 27, 2010, such that no extensions to the option periods will be required; and

WHEREAS, it is to be anticipated that notices, extensions, documents, applications, leases and agreements associated with the acquisition and improvement of the Property, including, without limitation, escrow instructions, certificates of acceptance and relocation agreements, may be in order to facilitate the acquisition and improvement of the Property and to satisfy the expressed intention of this Board; and

WHEREAS, it is the intent of the County to finance the Replacement Jail Facility Project through the future issuance of lease revenue bonds and said bonds will include the purchase price and all related acquisition costs of the Property.

NOW THEREFORE, IT IS HEREBY DETERMINED AND ORDERED that The County Manager, or his designee, be authorized and directed to:

(1) Subject to the City of Redwood City satisfactorily meeting its conditional vacation of right-of-way and transfer of property undertakings as set forth in the MOU between the County and Redwood City, accept assignment from Redwood City of the Options To Purchase the land and improvements commonly known as 20, 50, 70 and 80 Chemical Way, Redwood City by executing the Assignment and Assumption Agreement with the City of Redwood City; and

(2) Exercise each and all of the Options To Purchase for and on behalf of the County of San Mateo; and

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(3) Execute notices, extensions, documents, applications, leases and agreements associated with the acquisition and improvement of the Property, including, without limitation, escrow instructions, certificates of acceptance and relocation agreements, in order to facilitate the acquisition and improvement of the Property and to meet the intent of this Resolution and the Board.

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Regularly passed and adopted this 21st day of December, 2010.

AYES and in favor of said resolution:

Supervisors:

MARK CHURCH

CAROLE GROOM

ROSE JACOBS GIBSON

ADRIENNE J. TISSIER

NOES and against said resolution:

Supervisors:

NONE

Absent Supervisors:

NONE

Carole Groom

*Vice President, Board of Supervisors
County of San Mateo
State of California*

Certificate of Delivery

I certify that a copy of the original resolution filed in the Office of the Clerk of the Board of Supervisors of San Mateo County has been delivered to the Vice President of the Board of Supervisors.

Marie L. Peterson

*Marie L. Peterson, Deputy
Clerk of the Board of Supervisors*

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