



Legislation Text

File #: 13-016SA, **Version:** 1

Recommendation to authorize City Manager to execute any and all documents necessary or desirable to enter real property access or occupancy agreements with public or private parties for terms not to exceed six months, with a right of one six-month extension at the sole discretion of the City Manager, to provide immediate access or occupancy rights to Successor Agency-owned property. (Citywide)

There have been a number of occasions when public or private parties have been in immediate need of occupying City-owned property, both vacant lots and buildings, as a result of unforeseen or unplanned events or emergencies. These events or emergencies include staging areas for emergency response, air quality or hazardous material abatement and/or monitoring efforts, short-term parking needs and other similar activities. City Council has recently authorized the City Manager to enter short-term agreements to provide immediate occupancy rights to City-owned property.

As staff prepares for the disposition process of Successor Agency-owned real property, there is an expectation of similar access needs to rapidly conduct due diligence inspections and investigations or respond to emergencies. To be more responsive to interested parties and to better coordinate with emergency response partners, a process for immediate access or occupancy of Successor Agency-owned property is desirable.

To provide more flexibility and responsiveness, it is recommended that, subject to the approval of the Long Range Property Management Plan by the State Department of Finance, the City Manager be authorized to enter short-term access or occupancy agreements, with compensation, if any, reflective of the duration, use and public benefit of the occupancy, and with appropriate insurance and/or indemnification provisions. The term would initially be limited to six months to either address the short-term need for due diligence inspection or investigation, or for emergency occupancy. It is further suggested that this initial six-month term may be extended for an additional six-month term, at the discretion of the City Manager, if needed to complete due diligence or address the emergency. The Successor Agency will have the right to terminate the agreement at any time during the term upon 30 days advance written notice, in order to comply with any disposition requirements of the Long Range Property Management Plan.

This matter was reviewed by Deputy City Attorney Richard F. Anthony on October 7, 2013, and Budget Management Officer Victoria Bell on October 9, 2013.

This item is not time sensitive.

This action may result in additional revenue, but cannot be estimated at this time. There will be no local job impact associated with this recommendation.

Approve recommendation.

APPROVED:

PATRICK H. WEST
CITY MANAGER