

# Successor Agency to the Brisbane Redevelopment Agency/ Brisbane Housing Authority Agenda Report

To: Chair Conway and Members of the Successor Agency to the Redevelopment Agency of the City of Brisbane and Chair Conway and Members of the Brisbane Housing Authority

From: Clay Holstine, Executive Director and Michael Roush, General Counsel

Meeting Date: September 6, 2018

**Subject: Assignment of Lease (Brisbane Senior Housing)**

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## RECOMMENDATION

Adopt the attached resolutions (one by the Successor Agency, the other by the Housing Authority) assigning the Successor Agency's interest in the ground lease for the property at 2 Visitacion (a senior housing project) to the Housing Authority so that the lessee of the property, Brisbane Senior Housing, may pursue a tax exemption for the property.

## BACKGROUND

In 1995, the former Redevelopment Agency of the City of Brisbane purchased the site at 2 Visitacion Avenue. In 1998, the former RDA entered into a 30 year ground lease with the Bridge Housing Corporation for purposes of developing on the site a senior housing project. That project was developed with low and moderate income housing funds and provides housing for senior residents. Bridge Housing assigned its leasehold interest in the project to Brisbane Senior Housing, Inc.

In 2011, redevelopment agencies were dissolved. In light of that, the Brisbane City Council declared itself the Brisbane Housing Authority in order to administer the RDA's low and moderate income housing fund. In addition, the Successor Agency of the RDA deeded the Visitacion Avenue property to the Housing Authority in 2015.

Under the ground lease, as assigned, Brisbane Senior Housing, as lessee, is responsible for any taxes and assessments on the property. Recently, Brisbane Senior Housing has sought a tax exemption for the property but the ground lease has not been formally transferred from the RDA, as lessor, to the Housing Authority. In order to process the exemption, Brisbane Senior Housing has requested the Successor Agency to transfer its interest in lease from the Successor Agency to the Housing Authority.

## DISCUSSION

The attached Successor Agency resolution authorizes the Executive Director of the Successor Agency to sign an Assignment of the Successor Agency's interest in the lease to the Housing Authority. The

attached Housing Authority resolution authorizes the Executive Director of the Housing Authority to accept such Assignment. The Assignment will then be recorded.

#### FISCAL IMPACT

There is no fiscal impact to the Successor Agency or the Housing Authority in adopting either of these resolutions. Adoption of the resolutions will enable the Brisbane Senior Housing to pursue a tax exemption for the property.



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Michael H. Roush  
General Counsel



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Clayton Holstine  
Executive Director

#### Attachments

Assignment of Lease  
Resolution SA 2018-01  
Resolution HA 2018-03

RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO:

Brisbane Housing Authority  
50 Park Place  
Brisbane, CA 94005

No fee for recording pursuant to  
Government Code, sections 6103 and 27383

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## ASSIGNMENT OF LEASE

### RECITALS

- A. The former Redevelopment Agency of the City of Brisbane had leased to Bridge Housing Corporation, a California nonprofit public benefit corporation, real property in the City of Brisbane, County of San Mateo, California, described in Exhibit A attached (“the Premises”), on terms and conditions set forth in that certain lease dated January 26, 1998, recorded on February 26, 1998, as Instrument No. 98-025157, San Mateo County Records, as amended by a First Amendment to Ground Lease dated September 28, 1998 and recorded against the Premises on November 17, 1998, as Instrument No. 98-189588, and as further amended by a Second Amendment to Ground Lease dated April 10, 2000 and recorded June 6, 2000, as Instrument No. 2000-066952, San Mateo County Records (as amended, “the Lease”); and
- B. Bridge Housing Corporation developed and operated on the Premises a residential housing development for low-and moderate-income seniors; and
- C. Bridge Housing Corporation assigned its interest in the Lease to Brisbane Senior Housing, Inc., a California nonprofit public benefit corporation, effective January 1, 2000, which Assignment was recorded on February 18, 2000, as Instrument No. 2000-020412, San Mateo County Records.
- D. In 2011 redevelopment agencies were dissolved and successor agencies to such agencies were created; hence the Redevelopment Agency of the City of Brisbane became the Successor Agency to the Redevelopment Agency of the City of Brisbane (“Successor Agency/Brisbane”); and
- E. Successor Agency/Brisbane transferred the Premises to the Brisbane Housing Authority by grant deed dated July 7, 2015 and recorded August 20, 2015, as Instrument No. 2015-088438, San Mateo County Records; and
- F. Successor Agency/Brisbane wishes to assign to the Brisbane Housing Authority, on the terms and conditions of this Assignment of Lease, all of Successor Agency/Brisbane’s rights and obligations under the Lease; and

- G. Brisbane Housing Authority is willing to assume all of Successor Agency/Brisbane's rights and obligations under the Lease; and
- H. Brisbane Senior Housing is willing to consent to such assignment and to release Successor Agency/Brisbane from obligations under the Lease.

NOW, THEREFORE, the Successor Agency to the Redevelopment Agency of the City of Brisbane, the Brisbane Housing Authority and the Brisbane Senior Housing, Inc., agree as follows:

1. Effective July 7, 2015, Successor Agency to the Redevelopment Agency of the City of Brisbane assigns and transfers to the Brisbane Housing Authority, and the Brisbane Housing Authority accepts, all of the Successor Agency/Brisbane's right, title, and interest in or under, and all of Successor Agency/Brisbane's liabilities and obligations in or under, the Lease.
2. Brisbane Senior Housing, Inc. consents to and approves this assignment and hereby releases the Successor Agency to the Redevelopment Agency of the City of Brisbane from all liabilities and obligations arising under or with respect to the Lease on or after the effective date of this assignment.

IN WITNESS WHEREOF, the parties have executed this Assignment of Lease, to be effective as provided in Section 1 above.

**SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF BRISBANE**

\_\_\_\_\_  
Clayton L. Holstine, Executive Director

Attest:

\_\_\_\_\_  
Ingrid Padilla, Agency Secretary

Approved as to form:

\_\_\_\_\_  
Michael H. Roush, Agency Counsel

**BRISBANE HOUSING AUTHORITY**

\_\_\_\_\_  
Clayton L. Holstine, Executive Director

Attest:

\_\_\_\_\_  
Ingrid Padilla, Authority Secretary

Approved as to form:

\_\_\_\_\_  
Michael H. Roush, Authority Counsel

**BRISBANE SENIOR HOUSING, INC.**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Its: \_\_\_\_\_

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

Lots 11, 12, 13, 14, 15, and 16 in Block 4, as shown on that certain map entitled "AMENDED MAP OF SUBDIVISIONS NOS. 1, 2 & 3 OF CITY OF VISITACION CALIFORNIA", filed in the office of the County Recorder of San Mateo County, State of California, on October 14, 1908 in Book 6 of Maps at page(s) 45.

A.P. No.: 007-221-070  
007-221-080  
007-221-090

JPN 007 022 221 07 A  
007 022 221 08 A  
007 022 221 09 A

**RESOLUTION SA NO. 2018-01**

**A RESOLUTION OF THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF BRISBANE ASSIGNING ITS INTEREST IN A GROUND LEASE TO THE BRISBANE HOUSING AUTHORITY**

Whereas, the former Redevelopment Agency of the City of Brisbane had leased to Bridge Housing Corporation, a California nonprofit public benefit corporation, real property in the City of Brisbane, County of San Mateo, California, described in Exhibit A attached (“the Premises”), on terms and conditions set forth in that certain lease dated January 26, 1998, recorded on February 26, 1998, as Instrument No. 98-025157, San Mateo County Records, as amended by a First Amendment to Ground Lease dated September 28, 1998 and recorded against the Premises on November 17, 1998, and as further amended by a Second Amendment to Ground Lease dated April 10, 2000 and recorded June 6, 2000, as Instrument No. 2000-066952, San Mateo County Records (as amended, “the Lease”); and

Whereas, the Bridge Housing Corporation developed and operated on the Premises a residential housing development for low-and moderate-income seniors; and

Whereas, the Bridge Housing Corporation assigned its interest in the Lease to Brisbane Senior Housing, Inc., a California nonprofit public benefit corporation, effective January 1, 2000, which Assignment was recorded on February 18, 2000, as Instrument No. 2000-020412, San Mateo County Records; and

Whereas, in 2011 redevelopment agencies were dissolved and successor agencies to such agencies were created; hence the Redevelopment Agency of the City of Brisbane became the Successor Agency to the Redevelopment Agency of the City of Brisbane (“Successor Agency/Brisbane”); and

Whereas, Successor Agency/Brisbane transferred the Premises to the Brisbane Housing Authority by grant deed dated July 7, 2015 and recorded August 20, 2015, as Instrument No. 2015-088438, San Mateo County Records; and

Whereas, Successor Agency/Brisbane wishes to assign to the Brisbane Housing Authority, on the terms and conditions of this Assignment of Lease, all of Successor Agency/Brisbane’s rights and obligations under the Lease; and

Whereas, Brisbane Housing Authority is willing to assume all of Successor Agency/Brisbane’s rights and obligations under the Lease; and

Whereas, Brisbane Senior Housing is willing to consent to such assignment and to release Successor Agency/Brisbane from obligations under the Lease.

NOW, THEREFORE, the Successor Agency to the Redevelopment Agency of the City of Brisbane resolves as follows:

1. Effective July 7, 2015, Successor Agency to the Redevelopment Agency of the City of Brisbane assigns and transfers to the Brisbane Housing Authority all of the Successor Agency/Brisbane's right, title, and interest in or under, and all of Successor Agency/Brisbane's liabilities and obligations in or under, the Lease.
2. The Executive Director is authorized to sign the attached Assignment of Lease and the Secretary is directed to record such Assignment in the Official Records of San Mateo County.

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W. Clarke Conway, Chair  
Successor Agency to the Redevelopment  
Agency of the City of Brisbane

I hereby certify that the foregoing Resolution SA No. 2018-01 was duly and regularly adopted at a meeting of the Successor Agency to the Redevelopment Agency of the City of Brisbane on September 6, 2018, by the following vote:

AYES:

NOES:

Absent:

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Ingrid Padilla, Board Secretary



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LEGAL DESCRIPTION OF THE PROPERTY

Lots 11, 12, 13, 14, 15, and 16 in Block 4, as shown on that certain map entitled "AMENDED MAP OF SUBDIVISIONS NOS. 1, 2 & 3 OF CITY OF VISITACION CALIFORNIA", filed in the office of the County Recorder of San Mateo County, State of California, on October 14, 1908 in Book 6 of Maps at page(s) 45.

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          007-221-090

JPN 007 022 221 07 A  
      007 022 221 08 A  
      007 022 221 09 A

**RESOLUTION HA NO. 2018-03**

**A RESOLUTION OF THE BRISBANE HOUSING AUTHORITY ACCEPTING THE ASSIGNMENT OF THE SUCCESSOR AGENCY'S INTEREST IN A GROUND LEASE**

Whereas, the former Redevelopment Agency of the City of Brisbane had leased to Bridge Housing Corporation, a California nonprofit public benefit corporation, real property in the City of Brisbane, County of San Mateo, California, described in Exhibit A attached ("the Premises"), on terms and conditions set forth in that certain lease dated January 26, 1998, recorded on February 26, 1998, as Instrument No. 98-025157, San Mateo County Records, as amended by a First Amendment to Ground Lease dated September 28, 1998 and recorded against the Premises on November 17, 1998, and as further amended by a Second Amendment to Ground Lease dated April 10, 2000 and recorded June 6, 2000, as Instrument No. 2000-066952, San Mateo County Records (as amended, "the Lease"); and

Whereas, the Bridge Housing Corporation developed and operated on the Premises a residential housing development for low-and moderate-income seniors; and

Whereas, the Bridge Housing Corporation assigned its interest in the Lease to Brisbane Senior Housing, Inc., a California nonprofit public benefit corporation, effective January 1, 2000, which Assignment was recorded on February 18, 2000, as Instrument No. 2000-020412, San Mateo County Records; and

Whereas, in 2011 redevelopment agencies were dissolved and successor agencies to such agencies were created; hence the Redevelopment Agency of the City of Brisbane became the Successor Agency to the Redevelopment Agency of the City of Brisbane ("Successor Agency/Brisbane"); and

Whereas, Successor Agency/Brisbane transferred the Premises to the Brisbane Housing Authority by grant deed dated July 7, 2015 and recorded August 20, 2015, as Instrument No. 2015-088438, San Mateo County Records; and

Whereas, Successor Agency/Brisbane wishes to assign to the Brisbane Housing Authority, on the terms and conditions of this Assignment of Lease, all of Successor Agency/Brisbane's rights and obligations under the Lease; and

Whereas, Brisbane Housing Authority is willing to assume all of Successor Agency/Brisbane's rights and obligations under the Lease; and

Whereas, Brisbane Senior Housing is willing to consent to such assignment and to release Successor Agency/Brisbane from obligations under the Lease.

NOW, THEREFORE, the Brisbane Housing Authority resolves as follows:

1. Effective July 7, 2015, the Brisbane Housing Authority accepts the assignment of the Successor Agency's right, title, and interest in or under, and all of Successor Agency's liabilities and obligations in or under, the Lease.
2. The Executive Director is authorized to sign the attached Assignment of Lease and the Secretary is directed to record the Assignment of Lease in the Official Records of San Mateo County.

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W. Clarke Conway, Chair  
Brisbane Housing Authority

I hereby certify that the foregoing Resolution HA No. 2018-03 was duly and regularly adopted at a meeting of the Brisbane Housing Authority on September 6, 2018, by the following vote:

AYES:

NOES:

Absent:

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Ingrid Padilla, Authority Secretary

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