

Bay Area Infrastructure Financing Authority
Bay Area Metro Center
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San Francisco, CA 94105
TEL 415.778.6700
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Memorandum

TO: BAIFA

DATE: March 8, 2017

FR: Executive Director

W. I. 6840

RE: BAIFA Resolution No. 15: Accept and Consent to Deeds and Grants for BAIFA Projects

BAIFA Resolution No. 15 would authorize BAIFA's Executive Director or either of the Deputy Executive Directors to accept and consent to deeds and grants conveying to BAIFA any interest in or easement upon real estate.


Background

BAIFA is currently in the process of acquiring through mutual agreement easements from three property owners to accommodate electric services for the I-880 Express Lanes. BAIFA may similarly need to acquire easements for future express lane corridors. As a result, BAIFA seeks an efficient mechanism for accepting and consenting to deeds and grants of real property conveying to BAIFA any interest in or easement upon real estate.

Section 27281 of the California Government Code allows government agencies to authorize, by general resolution, one or more officers to accept and consent to deeds and grants conveying an interest in or easement upon real estate to a government agency. BAIFA Resolution No. 15 would authorize the Executive Director of BAIFA or either of the Deputy Executive Directors to perform this function on behalf of BAIFA.

Recommendation

Staff recommends that the Authority approve BAIFA Resolution No. 15, which would delegate the authority to accept and consent to deeds and grants conveying to BAIFA any interest in or easement upon real estate to the Executive Director of BAIFA and to each of the Deputy Executive Directors of BAIFA.



Steve Heminger

Attachment

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Date: March 22, 2017
W.I.: 6840
Referred by: BAIFA

ABSTRACT

BAIFA Resolution No. 15

This resolution authorizes the Bay Area Infrastructure Financing Authority (BAIFA) Executive Director or either Deputy Executive Director of BAIFA, to accept and consent to recordation of deeds.

Further discussion is contained in the Executive Director's Memorandum to BAIFA dated March 8, 2017.

Date: March 22, 2017
W.I.: 6840
Referred by: BAIFA

Re: Accept and Consent to Recordation of Deeds for the Bay Area Infrastructure Financing Authority

BAY AREA INFRASTRUCTURE FINANCING AUTHORITY
RESOLUTION NO. 15

WHEREAS, the Metropolitan Transportation Commission (“MTC”) and the Bay Area Toll Authority (“BATA”) have executed a joint exercise of powers agreement dated as of August 1, 2006, as amended, which creates and establishes the Bay Area Infrastructure Financing Authority (“BAIFA”); and

WHEREAS, BAIFA is authorized to develop and operate express lanes as specified in that joint exercise of powers agreement; and

WHEREAS, BAIFA requires an efficient mechanism for accepting deeds and other grants of real property, as necessary, to develop and operate express lanes; and

WHEREAS, Section 27281 of the California Government Code imposes specific requirements on deeds and grants conveying an interest in or easement upon real estate to a government agency, including attachment of a certificate or resolution of acceptance to the recording documents; and

WHEREAS, Section 27281 allows government agencies to authorize, by general resolution, one or more officers to accept and consent to such deeds and grants; now, therefore, be it

RESOLVED, that the Executive Director of BAIFA and each Deputy Executive Director of BAIFA (each, an “Authorized Representative”) is hereby individually authorized to accept and consent to deeds and grants conveying to BAIFA any interest in or easement upon real estate; and be it further

RESOLVED that an Authorized Representative shall demonstrate his or her acceptance and consent to such deeds and grants by attaching to the recording documents a certification of acceptance substantially the same as Attachment A, unless the State Legislature substantively

alters the certification of acceptance incorporated in Section 27281.

BAY AREA INFRASTRUCTURE FINANCING
AUTHORITY

Jake Mackenzie, Chair

The above resolution was entered into by
the Bay Area Infrastructure Financing Authority
at a regular meeting of the Board held in San Francisco,
California on March 22, 2017.

Date: March 22, 2017
W.I.: 6840
Referred by: BAIFA

Attachment A
BAIFA Resolution No. 15
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This is to certify that the interest in real property conveyed by the deed or grant dated _____
from _____ to the Bay Area Infrastructure Financing Authority, a Joint Powers Authority, is
hereby accepted by order of the

_____ Bay Area Infrastructure Financing Authority _____ on _____ (date) _____ ,

(or by the undersigned officer or agent on behalf of the Bay Area Infrastructure Financing
Authority pursuant to authority conferred by resolution of the Bay Area Infrastructure Financing
Authority adopted on March 22, 2017), and the grantee consents to recordation thereof by its
duly authorized officer.

Dated: _____

By: _____
Authorized Officer