

2004 MAR 31 AM 11:12

Revised: March 30, 2004

Approved as to form and legality:

H. Hillman
Agency Counsel

REDEVELOPMENT AGENCY
OF THE CITY OF OAKLAND

REVISED

RESOLUTION No. _____ C.M.S.

AN AGENCY RESOLUTION AUTHORIZING THE AGENCY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A THIRD AMENDMENT TO THE EXCLUSIVE NEGOTIATING AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY AND FOREST CITY RESIDENTIAL WEST, INC. REGARDING DEVELOPMENT OF THE UPTOWN PROJECT IN DOWNTOWN OAKLAND BY EXTENDING THE EXCLUSIVE NEGOTIATING AGREEMENT FOR AN ADDITIONAL TERM OF SIXTY (60) DAYS, RESULTING IN A TOTAL EXCLUSIVE NEGOTIATING AGREEMENT TERM OF 23 MONTHS

WHEREAS, on July 23, 2002, the Redevelopment Agency (Agency) approved Resolution 02-57 C.M.S., authorizing the Agency Administrator to enter into an Exclusive Negotiating Agreement (ENA) with Forest City Residential West, Inc. (Forest City), for purposes of studying and evaluating the feasibility of, and negotiating terms and conditions for the development of a mixed-use project including retail and housing in the Uptown Area; and

WHEREAS, the ENA, which was executed on August 7, 2002, had an initial term of one (1) year; and

WHEREAS, Forest City is required to complete and certify documentation required pursuant to the California Environmental Quality Act (CEQA) of 1970 during the ENA term; and

WHEREAS, on June 30, 2003, pursuant to Section 1.5(a)(i), the ENA was amended to extend the negotiation period by ninety (90) days to November 4, 2003, and on September 30, 2003, the ENA was amended a second time to extend the negotiation period by 180 days, in both cases to allow Forest City to complete and certify the Environmental Impact Report (EIR) for the project required pursuant to CEQA; and

WHEREAS, there have been unavoidable delays in the negotiations and completion of all required legal documents; and

10.22CC
ORA/COUNCIL
APR 6 2004

WHEREAS, the ENA, as previously amended, expires on May 2, 2004; and

WHEREAS, the Agency desires to provide Forest City with sufficient time to complete negotiations of all legal documents related to the development of a mixed-use project; now, therefore, be it

RESOLVED: That the Agency Administrator is authorized to negotiate and enter into a Third Amendment to the ENA with Forest City to extend the negotiation period for a term of sixty (60) days, resulting in a total ENA term of 23 months; and be it

FURTHER RESOLVED: That the Third Amendment to the Exclusive Negotiating Agreement shall be reviewed and approved as to form and legality by Agency Counsel prior to execution, and copies will be placed on file with the Agency Secretary; and be it

FURTHER RESOLVED: That the Agency has independently reviewed and considered this environmental determination, and the Agency finds and determines that this action complies with CEQA because this action on the part of the Agency is exempt from CEQA pursuant to Section 15262 (feasibility and planning studies), Section 15306 (information collection) and Section 15061(b)(3) (general rule) of the CEQA Guidelines; and be it

FURTHER RESOLVED: That the Agency Administrator or her designee shall cause to be filed with the County of Alameda a Notice of Exemption for this action; and be it

FURTHER RESOLVED: That the Agency Administrator is further authorized to take whatever action is necessary with respect to the ENA, as amended, and the project consistent with this Resolution and its basic purposes.

IN AGENCY, OAKLAND, CALIFORNIA, _____, 2004

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN, AND
CHAIRPERSON DE LA FUENTE,

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

CEDA FLOYD
Secretary of the Redevelopment Agency
of the City of Oakland

10-22CC
ORACOUNCIL
APR 6 2004