


FILED
OFFICE OF THE CITY CLERK
OAKLAND

2003 SEP 11 PM 2:09

Approved as to form and legality:


Agency Counsel

REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND

RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING THE AGENCY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A SECOND 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 EXTENDING THE EXCLUSIVE NEGOTIATING AGREEMENT FOR AN ADDITIONAL TERM OF ONE HUNDRED AND EIGHTY (180) DAYS

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, to allow Forest City to complete and certify the Environmental Impact Report (EIR) for the project required pursuant to CEQA; and

WHEREAS, Forest City has experienced additional unavoidable delays in the completion of certification of the EIR required pursuant to CEQA; and

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WHEREAS, the Agency desires to provide Forest City with sufficient time to complete and certify the EIR required pursuant to CEQA and to complete negotiations of the terms and conditions for the development of a mixed-use project; now, therefore, be it

RESOLVED: That the Agency Administrator is authorized to negotiate and enter into a Second Amendment to the ENA with Forest City to extend the negotiation period of a term of one hundred and eighty (180) days; and be it

FURTHER RESOLVED: That 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 his 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, _____, 2003

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

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