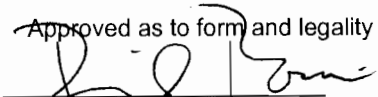


2009 SEP -3 AM 9:09

Approved as to form and legality

Deputy City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. 82276 C.M.S.

RESOLUTION AUTHORIZING THE CITY TO ACCEPT AND APPROPRIATE A CONTRIBUTION OF REDEVELOPMENT AGENCY FUNDS UNDER THE COOPERATION AGREEMENT IN THE AMOUNT OF \$92,000 FOR THE CONSTRUCTION OF THE HALL OF PIONEERS CHINESE GARDEN IMPROVEMENT PROJECT

WHEREAS, the Redevelopment Agency of the City of Oakland wishes to fund construction costs to assist in the Hall of Pioneers Chinese Garden Improvement Project in the Central District Redevelopment Project Area, and has authorized a contribution of \$92,000 to the Project; and

WHEREAS, the City and the Redevelopment Agency entered into a Cooperation Agreement on July 1, 2004, which generally governs the provision of assistance and the payment of funds between the two agencies, including Redevelopment Agency financial contributions and other assistance to support City public improvements; and

WHEREAS, Section 33445 of the California Health and Safety Code authorizes a redevelopment agency to pay for the installation cost or construction of publicly-owned facilities, if the legislative body has consented to such funding and has made certain findings; now, therefore, be it

RESOLVED: That the City Council hereby accepts and consents to the use of up to \$92,000 in Redevelopment Agency funds for the Hall of Pioneers Chinese Garden Improvement Project, and appropriates such funds to the Project; and be it

FURTHER RESOLVED: That such funds shall be appropriated by the City into Redevelopment Agency Fund (7780), Hall of Pioneers Chinese Garden Improvement Project (P338510), Project Management Capital Improvement Organization (92270), Landscape Improvement Account (57112), Project Delivery Program (IN06) for the Hall of Pioneers Chinese Garden Improvement Project; and be it

FURTHER RESOLVED: That the City Council hereby finds and determines as follows:

1. That the funding of the Hall of Pioneers Chinese Garden Improvement Project will benefit the Central District Redevelopment Project Area by installing needed park

improvements, including new ADA parking facilities and pathways, new irrigation and lawn and new plants and trees, and otherwise alleviating substandard park conditions, which will benefit residents, business owners and property owners in the Central District who are the principal users of the park;

2. That due to fiscal constraints on the City's general fund and the high number of capital projects competing for limited City funds, the City's Capital Improvement Program ("CIP") funds have been unable to provide financing for the Hall of Pioneers Chinese Garden Improvement Project in the period 2009-2011, and therefore no other reasonable means of financing the Hall of Pioneers Chinese Garden Improvement Project is available to the City other than Redevelopment Agency funding;
3. That the use of tax increment funds from the Central District Project Area for the Hall of Pioneers Chinese Garden Improvement Project will assist in the elimination of blight in the Central District by remediating contaminated property and otherwise improving a substandard park facility in the Central Redevelopment Project Area; and
4. That the use of tax increment funds from the Central District Redevelopment Project Area for the Hall of Pioneers Chinese Garden Improvement Project is consistent with the implementation plan adopted for the Central District Redevelopment Project Area; and be it

FURTHER RESOLVED: That the City Administrator or his designee is hereby authorized to take whatever actions necessary with respect to this Project consistent with this Resolution and its basic purpose.

IN COUNCIL, OAKLAND, CALIFORNIA, SEP 22 2009, 2009

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, ~~DE LA FUENTE~~, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and
PRESIDENT BRUNNER - 7

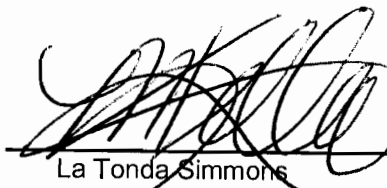
NOES- 0

ABSENT- 0

ABSTENTION- 0

Excused - De la Fuente - 1

ATTEST:


La Tonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California