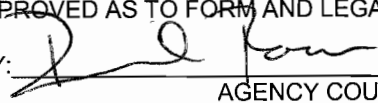


FILED
OFFICE OF THE CITY CLERK
OAKLAND

2008 MAY 15 PM 6:44

APPROVED AS TO FORM AND LEGALITY:

BY:



AGENCY COUNSEL

REDEVELOPMENT AGENCY
OF THE CITY OF OAKLAND

2008 - 0050

RESOLUTION No. _____ C.M.S.

**AN AGENCY RESOLUTION AUTHORIZING AN
EXCLUSIVE NEGOTIATING AGREEMENT WITH
AVANT HOUSING, LLC, AND THE HAHN FAMILY TO
REDEVELOP PORTIONS OF THE BLOCK BOUNDED
BY TELEGRAPH AVENUE, BROADWAY, 22ND
STREET, AND 21ST STREET**

WHEREAS, the Redevelopment Agency has determined that the availability of sufficient public parking is critical to the viability of Oakland's Central District Redevelopment Area and has set aside \$32 million for replacement parking in the Fiscal Year 2007-09 Capital Budget; and

WHEREAS, on April 3, 2007, pursuant to Resolution No. 80483 C.M.S., the Agency entered into a settlement agreement ("Settlement Agreement") for an eminent domain action with the Hahn Family (the "Hahns"), which calls for the parties to engage in good-faith negotiations in contemplation of a Disposition and Development Agreement ("DDA") governing the development of a mixed-use project on a portion of the parcel occupied by the City-owned Telegraph Parking Plaza site (Telegraph Plaza), a 3,064 square-foot triangular right-of-way portion of 22nd Street and the Hahns' 21,000 square-foot "Giant Burger" property located at 2150 Telegraph Avenue in the Central District; and

WHEREAS, the Agency has received a proposal from Avant Housing, LLC ("Avant") and the Hahns for a mixed-use redevelopment project, including residential, retail, a hotel and a 670-space parking garage (the "Project"), on the entire Telegraph Plaza site and the "Giant Burger" property, (the "Project Site"); and

WHEREAS, the proposal involves the sale of two City-owned parcels, Telegraph Plaza and the 3,065 square-foot triangular portion of a right-of-way on 22nd Street to Avant, and the repurchase of a new 670-space public parking garage by the City or Agency at its development costs at Project completion; and

WHEREAS, the City and Agency have determined that the City, as the owner of a portion of the Project Site, and the Agency, as sponsor and coordinator of the development of new public parking on the Project Site, should be parties to an Exclusive Negotiating Agreement (“ENA”) with Avant and the Hahns; now, therefore, be it

RESOLVED: That the Agency Administrator is authorized to negotiate and enter into an ENA with Avant and the Hahns for purposes of studying and evaluating the feasibility of, and negotiating terms and conditions for, the transfer of the City parcels, their development for public parking and other uses, and the repurchase of the public parking developed as part of the project; and be it

FURTHER RESOLVED: That the exclusive negotiating period will be for seven months from the date of this Resolution, with the option to extend said period by an additional nine months with the approval of the Agency Administrator in her sole discretion; and be it

FURTHER RESOLVED: That execution of the ENA in contemplation of a DDA for the Project will extend the time by which the Agency and the Hahns must execute a DDA for a portion of the Project Site per the Settlement Agreement to the same term as the ENA; and be it

FURTHER RESOLVED: That the ENA shall be reviewed and approved as to form and legality by Agency Counsel prior to execution; and be it

FURTHER RESOLVED: That the Agency finds and determines, after independent review and consideration, that this action complies with the California Environmental Quality Act (“CEQA”) because it 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 and the project consistent with this Resolution and its basic purposes.

IN AGENCY, OAKLAND, CALIFORNIA, JUN 17 2008, 2008

PASSED BY THE FOLLOWING VOTE:


AYES- BROOKS, ~~BRUNNER~~, CHANG, KERNIGHAN, NADEL, QUAN, ~~QUAN~~ AND
CHAIRPERSON DE LA FLUENTE - 6

NOES- ϕ

ABSENT- *Brunner and Reid - ϕ 2*

ABSTENTION- ϕ

ATTEST:


LATONDA SIMMONS
Secretary of the Redevelopment
Agency of the City of Oakland