

2007 JUN 11 PM 3:02


Agency Counsel

OAKLAND REDEVELOPMENT AGENCY

2007-0060
RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING THE AGENCY ADMINISTRATOR TO NEGOTIATE AND EXECUTE:

- (1) AMENDMENTS TO THE JULY 8, 2003 MEMORANDUM OF AGREEMENT FOR OAKLAND ARMY BASE INCLUDING THE FOLLOWING PROVISIONS: (A) A ONE-YEAR EXTENSION OF THE DEADLINE TO FUND THE WEST OAKLAND COMMUNITY FUND, (B) REIMBURSEMENT FROM THE PORT OF OAKLAND TO THE OAKLAND REDEVELOPMENT AGENCY OF TWO HUNDRED EIGHTY THOUSAND DOLLARS (\$280,000) IN ARMY BASE TRANSACTION COSTS, AND (C) DEFINING THE TERMS AND CONDITIONS OF THE PORT OF OAKLAND BERTH 21 CONSTRUCTION EASEMENT; AND**
- (2) A BERTH 21 CONSTRUCTION EASEMENT IN FAVOR OF THE PORT OF OAKLAND; AND**
- (3) A CONSTRUCTION AND DEMOLITION EASEMENT ALONG THE BOUNDARY BETWEEN THE OAKLAND REDEVELOPMENT AGENCY AND THE PORT OF OAKLAND.**

WHEREAS, in August 2003, the Oakland Base Reuse Authority ("OBRA") acquired 364 acres of the former Oakland Army Base property from the U.S. Army by Economic Development Conveyance; and

WHEREAS, pursuant to Council and Agency authorization, OBRA, the City of Oakland, the Redevelopment Agency ("Agency") and the Port of Oakland ("Port") entered into the Memorandum of Agreement for Oakland Army Base on July 8, 2003 ("Army Base MOA"), providing for the Agency, OBRA and the Port to convey certain parcels of Army Base property and adjacent property owned by the Port to each other, three years after the Economic Development Conveyance, and providing for related transactions among OBRA, the City, the Agency and the Port; and

WHEREAS, On August 7, 2006, OBRA transferred approximately 170 acres of former Army Base property to the Redevelopment Agency and approximately 210 acres of former Army Base property to the Port of Oakland; and

WHEREAS, The Army Base MOA contemplated the establishment of the West Oakland Community Fund ("Fund"), which was intended to provide loans and/or grants to help pay for projects to benefit the West Oakland community; and

WHEREAS, Under the terms of the Army Base MOA, the Fund must be established by August 7, 2006, and the Redevelopment Agency must contribute its share on or before August 7, 2007; and

WHEREAS, the Fund was created on July 18, 2006, though the parties to the Army Base MOA would like to amend the MOA to delay the contributions to the Fund until August 7, 2008, to allow the time required for the funds to be generated through the development of the Oakland Army Base; and

WHEREAS, The Army Base MOA provides the Port with construction easements to complete their Berth 21 project, adjacent to the Redevelopment Agency's Central Gateway Area of the former Army Base; and

WHEREAS, The current construction easement provisions in the MOA include and encumber the entire Central Gateway Development Area and the Port Sliver Properties, approximately 70 acres of Agency-owned property; and

WHEREAS, The parties to the MOA would like to amend the MOA to reduce the construction easement area down to approximately two acres of Central Gateway Area, and approximately three acres of property intended to be developed in the future as a shoreline park; and

WHEREAS, staff recommends that the Agency enter into a reciprocal easement for demolition and construction activities along the common boundary line in the Central and East Gateway Development Areas of the former Army Base, with the terms and conditions of such easement to be reviewed and approved by the City Attorney; and

WHEREAS, the parties to the Army Base MOA would like to amend the MOA to require the Port to pay Two Hundred Eighty Thousand Dollars (\$280,000) to the Agency, to reimburse it for the Port's share of transaction and acquisition costs; and

WHEREAS, the parties to the Army Base MOA would like to remove OBRA as a party to the MOA because OBRA has transferred all of its rights and obligations to the Redevelopment Agency and it has dissolved; and

WHEREAS, the Environmental Impact Report for the Oakland Army Base Area Redevelopment Plan (EIR) was certified in July 2002, and it contemplated and analyzed OBRA's dissolution, the property transfer action, and related actions called for in this report; and

WHEREAS: The Agency hereby finds and determines on the basis of substantial evidence in the record that the EIR fully analyzes the potential environmental effects of the project and incorporates mitigation measures to substantially lessen or avoid any potentially significant impacts in accordance with CEQA. None of the circumstances necessitating preparation of additional CEQA review as specified in CEQA and the CEQA Guidelines, including without limitation Public Resources Code Section 21166 and CEQA Guidelines Section 15162, are present in that (1) there are no substantial changes proposed in the project or the circumstances under which the project is undertaken that would require major revisions of the EIR due to the involvement of new environmental effects or a substantial increase in the severity of previously identified significant effects; and (2) there is no "new information of substantial importance" as described in CEQA Guidelines Section 15162(a)(3); NOW THEREFORE BE IT

RESOLVED: That the Agency Administrator is hereby authorized to negotiate and execute amendments to the Army Base MOA including provisions related to: (1) A One-Year Extension of the deadline for the future Army Base Developer or the Agency to fund the West Oakland Community Fund, (2) Reimbursement from the Port to Agency of Two Hundred Eighty Thousand Dollars (\$280,000) in Army Base Transaction Costs, (3) Defining the terms and conditions of the Port of Oakland Berth 21 Construction Easement, and (4) to delete OBRA as a party to the Army Base MOA; and be it

FURTHER RESOLVED: That the Agency Administrator is hereby authorized to accept Two Hundred Eighty Thousand Dollars (\$280,000) from the Port as reimbursement for the Port's share of transaction and acquisition costs; and be it

FURTHER RESOLVED: That the Two Hundred Eighty Thousand Dollars (\$280,000) transaction cost reimbursement will be deposited in the OBRA Leasing and Utilities Fund (9575) fund balance; and be it

FURTHER RESOLVED: That the Agency Administrator is hereby authorized to negotiate and enter into a Berth 21 Construction Easement in Favor of the Port of Oakland; and

FURTHER RESOLVED: That the Agency Administrator is hereby authorized to negotiate and enter into a Construction and Demolition easement along the boundary between the Oakland Redevelopment Agency and the Port of Oakland; 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 the Agency is relying upon the previously certified EIR and this action on the part of the Agency does not necessitate preparation of a subsequent or supplemental EIR.

IN AGENCY, OAKLAND, CALIFORNIA, JUL 3 2007, 2007

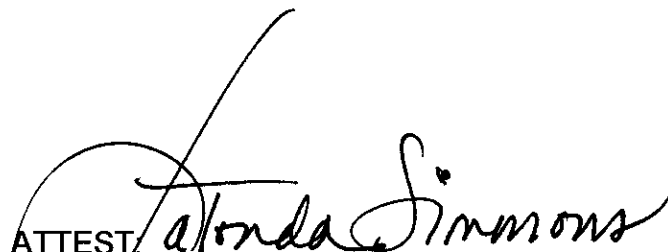
PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND
CHAIRPERSON DE LA FUENTE - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

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