

REVISED

APPROVED AS TO FORM AND LEGALITY:

FILED
OFFICE OF THE CITY CLERK
OAKLAND



Agency Counsel

2010 JUL -8 PM 2:52

**REDEVELOPMENT AGENCY
OF THE CITY OF OAKLAND**

RESOLUTION No. _____ C.M.S.

AN AGENCY RESOLUTION AUTHORIZING THE ACQUISITION OF 3.41 ACRES OF REAL PROPERTY AT THE FRUITVALE BART PARKING LOT LOCATED IN THE COLISEUM REDEVELOPMENT PROJECT AREA, FROM THE SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT, FOR \$6,000,000, AND AUTHORIZING UP TO \$20,000 FOR REAL ESTATE CLOSING COSTS

WHEREAS, the Coliseum Redevelopment Project Area Plan adopted by the City Council includes alleviation of general blight and unsafe conditions as a goal for the Coliseum area; and

WHEREAS, the Redevelopment Agency of the City of Oakland (the "Agency") is implementing projects in the Coliseum Redevelopment Project Area as part of the Redevelopment Plan to improve the Redevelopment Area; and

WHEREAS, Section 33391 of the California Community Redevelopment Law (Health & Safety Code Sections 33000, et seq.) authorizes a redevelopment agency to purchase real property in a project area for purposes of redevelopment; and

WHEREAS, the real property located on East 12th Street between 35th and 37th Avenues, Oakland, illustrated in Exhibit A attached hereto (Assessor's Parcel Numbers: 033-2197-019 and 033-2177-021) (the "Property") is within the Coliseum Redevelopment Project Area; and

WHEREAS, the Property consists of two blighted parcels totaling approximately 3.41 acres which are currently used for parking for BART patrons and other users; and

WHEREAS, the Unity Council is currently managing the parking lot on the Property under an agreement with BART, and the Agency desires to negotiate a similar arrangement with the Unity Council; and

WHEREAS, the Agency desires to acquire the Property to hold for future development, to rid the property of blight, and to redevelop the property in the future; and

WHEREAS, the San Francisco Bay Area Rapid Transit District ("BART"), the Owner, and the Agency, the Buyer, have agreed to enter into an agreement for the Agency to purchase the Property at the fair market value of \$6,000,000, minus the cost of site remediation to assist the Agency in its redevelopment efforts in the Coliseum Redevelopment Project Area; and

WHEREAS, the sale by the Owner was not induced, the sale price is at fair market value as established by an appraisal, and no federal funds will be used for acquisition of the Property; and

WHEREAS, the estimated real estate closing costs are \$20,000; and

WHEREAS, funds for acquisition of the property are available from Coliseum Tax Allocation Bond Series 2006B-T (Taxable) Bonds Fund (9456); and

WHEREAS, the requirements of CEQA, the CEQA Guidelines as prescribed by the Secretary for Resources, and the provisions of the Environmental Review Regulations of the City of Oakland have been satisfied; now, therefore, be it

RESOLVED: That the Agency hereby authorizes the Agency Administrator to negotiate and execute an Agreement with BART for the purchase of Property located at East 12th Street between 35th and 37th Avenues, for an amount not exceed \$6,000,000, less any environmental site remediation costs, and authorizes \$20,000 for costs of real estate closing; and be it

FURTHER RESOLVED: That the Agency hereby authorizes the Agency Administrator to negotiate and execute a license and/or management agreement with the Unity Council for daily operation and maintenance of the parking lot, for a term of one (1) year, with an option to renew at the discretion of the Agency Administrator, for a lease rate of not less than twenty-five hundred dollars (\$2500) per month; and be it

FURTHER RESOLVED: That the Agency hereby finds and determines as follows:

1. That the funding of the acquisition of the Property with redevelopment funds will benefit the Coliseum Redevelopment Project Area by creating future development opportunities to better serve area residents and businesses, and improve physical conditions in the Coliseum Redevelopment Project Area;
2. That the use of tax increment funds from the Coliseum Redevelopment Project Area for the purchase is consistent with the implementation plan adopted for the Coliseum Redevelopment Project Area and will assist in the elimination of blight in the Project Area by redeveloping underutilized parcels; and be it

FURTHER RESOLVED: That funds will be allocated from Coliseum Tax Allocation Bond Series 2006B-T (Taxable) Bond Fund (9456), and a fund to be established; 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 under Section 15183 (projects consistent with a General Plan) and Section 15061(b)(3) (no possibility of significant environmental impact) of the CEQA Guidelines, and directs the Agency Administrator to file a Notice of Exemption and an Environmental Declaration (California Fish and Game Code section 711.4) with the County of Alameda; and be it

FURTHER RESOLVED: That the Agency Administrator or his designee is hereby authorized to negotiate and execute, amend, modify and extend all agreements, and to take

whatever other actions are necessary with respect to the Agency funding and acquisition of the Property, consistent with this Resolution and its basic purposes; and be it

FURTHER RESOLVED: That Agency Counsel shall review and approve all documents and agreements as to form and legality, and a copy shall be placed on file with the City Clerk.

IN AGENCY, OAKLAND, CALIFORNIA, _____, 2010

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____
 LATONDA SIMMONS
 Secretary of the Redevelopment Agency
 of the City of Oakland, California