

FILED
OFFICE OF THE CITY CLERK
OAKLAND

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APPROVED AS TO FORM AND LEGALITY:


Deputy City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. 83812 C.M.S.

A RESOLUTION AUTHORIZING THE CITY OF OAKLAND TO SERVE AS SUCCESSOR TO THE HOUSING ASSETS, FUNCTIONS AND OBLIGATIONS OF REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND WITH RESPECT TO GRANT FUNDS UNDER THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT'S TRANSIT ORIENTED DEVELOPMENT GRANT PROGRAM FOR THE MACARTHUR BART TRANSIT VILLAGE, AND AUTHORIZING THE CITY ADMINISTRATOR, DEANNA SANTANA, TO NEGOTIATE GRANT TERMS, EXECUTE, MODIFY, AMEND AND EXTEND AGREEMENTS, ALLOCATE REVENUE, MAKE EXPENDITURES, AND TAKE ALL OTHER ACTIONS WITH RESPECT TO HOUSING ASSETS, FUNCTIONS AND OBLIGATIONS UNDER THE TRANSIT ORIENTED DEVELOPMENT GRANT PROGRAM

WHEREAS, on December 11, 2007, the California State Department of Housing and Community Development (HCD) issued a Notice of Funding Availability (NOFA) for the Transportation Oriented Development ("TOD") program established under the Housing and Emergency Shelter Trust Fund Act of 2006 (Proposition 1C) pursuant to Part 13 of Division 31 of the Health & Safety Code, Section 53560; and

WHEREAS, on March 4, 2008, the Redevelopment Agency of the City of Oakland ("Agency") adopted Agency Resolution No. 2008-0028 C.M.S. authorizing the submittal of an application for funding under the TOD program for the MacArthur BART Transit Village, and authorizing acceptance and appropriation of grant funds from this program for eligible activities in the manner presented in the application as approved by HCD and in accordance with TOD program guidelines; and

WHEREAS, Agency Resolution No. 2008-0028 C.M.S authorized the Agency Administrator to execute in the name of the Agency the application, the Standard Agreement, and all other documents required by HCD for participation in the TOD Program and any amendments thereto; and

WHEREAS, the Agency submitted an application to HCD to obtain an allocation of TOD funds in the amount of \$17 million for the MacArthur Transit Village at the MacArthur BART Station; and

WHEREAS, the Standard Agreement for TOD funding of the MacArthur BART Transit Village requires that the housing project supported by the grant includes at least 448 new affordable and market-rate residential units; and

WHEREAS, on March 9, 2011, the Agency and HCD executed a Standard Agreement for TOD program funding for the MacArthur BART Transit Village in an amount not to exceed \$17 million; and

WHEREAS, the Standard Agreement for TOD program funding of the MacArthur BART Transit Village requires that the housing project supported by the grant includes at least 448 new affordable and market-rate residential units; and

WHEREAS, on July 7, 2009, the Agency, pursuant to Resolution No. 2009-0073 C.M.S., authorized an allocation of up to \$16.4 million from the Low to Moderate Income Housing Fund to MacArthur Transit Community, LLC for the development of up to 90 affordable housing units at the MacArthur BART Transit Village; and

WHEREAS, on January 10, 2012, the City Council adopted Resolution No. 83680 C.M.S, electing to retain and assume the housing assets, functions, and obligations of the Redevelopment Agency of the City of Oakland pursuant to Health & Safety Code Section 34176 upon Redevelopment Agency dissolution; and

WHEREAS, the Redevelopment Agency of the City of Oakland dissolved on February 1, 2012; and

WHEREAS, the City acting as successor to the housing assets, functions and obligations of the Agency has listed the allocation of up to \$16.4 million from the Low to Moderate Income Housing Fund as an enforceable obligation on the successor agency's Enforceable Obligation Payment Schedule; now, therefore, be it

WHEREAS, HCD requires that the City adopt a specific resolution authorizing the City of Oakland to serve as successor to the housing assets, functions and obligations of the Agency with respect to HCD's TOD Program for the MacArthur BART Transit Village; and explicitly authorizing the City Administrator, Deanna Santana, by name, or her designee to negotiate and execute in the name of the City of Oakland, as successor to these housing assets, functions and obligations the application, the Standard Agreement, and all other documents required by HCD for participation in the TOD program, and to execute any amendments thereto; 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 since the proposed legislation is not a project under CEQA; now, therefore, be it

RESOLVED: That the City of Oakland has elected to retain and assume the housing assets, functions and obligations of the Agency with respect to HCD's TOD Program and the MacArthur BART Transit Village; and be it further

RESOLVED: That the City as successor to the housing assets, functions and obligations of the Agency hereby authorizes the City Administrator, Deanna Santana, or her designee to negotiate grant terms, execute, modify, amend and extend the Standard Agreement and all other related documents, allocate revenue, make expenditures, and take all other actions with respect to the TOD Program required by HCD for participation in the TOD Program in accordance with this resolution and its basic purposes; and be it further

RESOLVED: That the actions taken under this Resolution are taken by the City acting as successor to the housing assets, functions and obligations of the Redevelopment Agency of the City of Oakland; and be it further

RESOLVED: That all documents shall be reviewed and approved by the City Attorney prior to execution, and copies will be placed on file with the City Clerk.

APR 30 2012

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2012

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF AND
PRESIDENT REID -8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST:


LATONDA SIMMONS

City Clerk and

Clerk of the Council, City of Oakland