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OFFICE OF THE CITY CLERK  
OAKLAND  
2012 APR 17 AM 10:46

APPROVED AS TO FORM AND LEGALITY:  
  
Deputy City Attorney

## OAKLAND CITY COUNCIL

RESOLUTION No. 83810 C.M.S.

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A RESOLUTION AUTHORIZING THE CITY OF OAKLAND TO SERVE AS SUCCESSOR TO THE HOUSING ASSETS, FUNCTION AND OBLIGATIONS OF THE REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND WITH RESPECT TO GRANT FUNDS UNDER THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT'S INFILL INFRASTRUCTURE GRANT PROGRAM FOR THE MACARTHUR BART TRANSIT VILLAGE AND AUTHORIZING THE CITY ADMINISTRATOR, DEANNA SANTANA, OR HER DESIGNEE, 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 INFILL INFRASTRUCTURE GRANT PROGRAM

**WHEREAS**, on February 28, 2008, the California State Department of Housing and Community Development (HCD) issued a Notice of Funding Availability (NOFA) for the Infill Infrastructure Grant ("IIG") program established under the Housing and Emergency Shelter Trust Fund Act of 2006 (Proposition 1C) pursuant to Chapter 2 of Part 12 of Division 31 of the Health & Safety Code, Sections 53545.12 and 53545.13; and

**WHEREAS**, on March 4, 2008, the Redevelopment Agency of the City of Oakland ("Agency") adopted Agency Resolution No. 2008-0029 C.M.S., authorizing the submittal of an application for funding under the IIG 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 IIG program guidelines; and

**WHEREAS**, Agency Resolution No. 2008-0029 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 IIG program and any amendments thereto; and

**WHEREAS**, the Agency submitted an application to HCD as a co-applicant together with MacArthur Transit Community Partners, LLC and Bridge Housing Corporation, to obtain an allocation of IIG program funds in the amount of \$17.3 million for the MacArthur Transit Village project at the MacArthur BART Station; and

**WHEREAS**, on March 9, 2011, the Agency, MacArthur Transit Community Partners, LLC, Bridge Housing Corporation and HCD executed a Standard Agreement for IIG program funding for the MacArthur BART Transit Village in an amount not to exceed \$17,299,120; and

**WHEREAS**, the Standard Agreement for IIG program funding of the MacArthur BART Transit Village requires that the housing project supported by the grant includes at least 394 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 Sections 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 an 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; and

**WHEREAS**, HCD requires that the City as successor agency to the Agency adopt a specific resolution authorizing the City of Oakland to serve as successor to the housing assets, functions and obligations under HCD's IIG 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, acting 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 IIG 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 IIG program for 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 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 IIG program required by HCD for participation in the IIG 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, KERNIGHAN, NADEL, REID, SCHAAF AND  
CHAIRPERSON REID - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST:

*Latonda Simmons*  
LATONDA SIMMONS

City Clerk and Clerk of the Council, City of Oakland