

**CITY OF OAKLAND**  
**AGENCY AGENDA REPORT**

2005 JAN 13 PM 8:19

TO: Office of the Agency Administrator  
ATTN: Deborah Edgerly  
FROM: Community and Economic Development  
DATE: January 25, 2005

RE: **A RESOLUTION OF NECESSITY DECLARING CERTAIN PROPERTY INTERESTS AT 1920 SAN PABLO AVENUE, OAKLAND CA 94612 (ASSESSOR PARCEL NUMBER: 008-0643-006); 1954 SAN PABLO AVENUE, OAKLAND CA 94612 (ASSESSOR PARCEL NUMBER: 008-0644-021, AND 610 WILLIAM STREET, OAKLAND CA 94612 (ASSESSOR PARCEL NUMBER 008-0644-020) AS NECESSARY FOR PUBLIC PURPOSES AND AUTHORIZING AGENCY COUNSEL TO INITIATE CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF SAID PROPERTY INTERESTS FOR REDEVELOPMENT PURPOSES AS PART OF THE UPTOWN PROJECT.**

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**SUMMARY**

The City of Oakland Redevelopment Agency's ("Agency") acquisition of all real properties (collectively the "Properties") within the Uptown Retail and Entertainment Area, a part of the Central District Redevelopment Project Area ("Uptown Activity Area," as identified by Exhibit "A", is necessary for land assembly, completion of site acquisition and the development of the Uptown Project in the Uptown Activity Area. The Agency previously acquired numerous properties for development in the Uptown Activity Area. The acquisition of the properties is consistent with the Agency's overall objective of ownership and control in the Uptown Activity Area for redevelopment purposes, including the transfer of properties to FC Oakland, Inc., a California corporation (an affiliate of Forest City Residential Group, Inc.; herein "FC Oakland"), the developer of the proposed "Uptown Project" located within the Uptown Activity Area (the "Uptown Project Area").

This report has been prepared in order to set forth the basis for the staff recommendation to adopt a resolution of necessity (the "Resolution") authorizing the acquisition of the Properties, described herein and as shown on the attached Exhibit "B", using the eminent domain authority of the Oakland Redevelopment Agency. There is one resolution, for all the Properties. The legal descriptions of the properties to be acquired together with a map showing the subject acquisitions are attached to the Resolution proposed in this report as Attachments A-1 through A-3. Specifically, the Resolution authorizes the acquisition of the Properties needed for site acquisition by the Agency to assist in the development of the Uptown Activity Area, including the Uptown Project.

It is determined that it is necessary that the Agency acquire the Properties in order to facilitate completion of site assembly and site control in the Uptown Activity Area, including the Uptown Project (a description of the project and project area follows in the "Background Section" of this report). The proposed Resolution contain the required findings that the Agency, having made offers to

Item: \_\_\_\_\_  
CEDA Committee  
January 25, 2005

purchase the subject properties at fair market value, is authorized to acquire these properties through its eminent domain powers by filing an eminent domain action in court.

Staff recommends that the Redevelopment Agency adopt the attached Resolution of Necessity which authorizes the commencement of eminent domain proceedings to acquire the above referenced Properties as described and shown in the map and legal description attached to the Resolution as Attachment A-1 to A-3. Adoption of the Resolution contributes toward and is consistent with Mayor and City Council Priority Goal # 1 (Make Oakland a Safe City), Goal # 2 (Develop a Sustainable City) and Goal #3 (Improve Oakland Neighborhoods).

### **FISCAL IMPACT**

Under the Lease Disposition and Development Agreement (LDDA) between the Agency, the City and FC Oakland, which was authorized by the Agency and City Council pursuant to Agency Resolution 2004-38 C.M.S, and City Resolution 78728 C.M.S., respectively, on July 20, 2004, the Agency is committed to considering actions to assemble and transfer all of the properties comprising the Uptown Project to FC Oakland. The Project Area consists of 41 individual parcels. To date, the Agency has acquired 30 parcels at a total cost of approximately \$6.5 million, including demolition and relocation expenses. The Agency has set aside a total of \$14.2 million to acquire the 8 remaining properties, which include the 3-acre property owned by Sears, Roebuck & Co. ("Sears"), and relocate, and/or compensate any residential tenants, businesses and billboards occupying these parcels. Further, the Agency is committed to considering actions to acquire two additional and specified property interests outside of the Uptown Project Area, but within the Uptown Activity Area for redevelopment purposes.

Funding for the acquisition of the Properties is available from the Central District Capital Budget, Uptown Project (Fund 9532, Org. 94800, Project T245610). Acquisition related costs for the Properties are estimated to be \$2,000,000 including compensation and relocation paid to property owners and residential tenants.

The Properties have been appraised and offers to acquire all property rights at their appraised fair market values have been made to all of the property owners. The residential tenants at the subject Properties are entitled to relocation benefits under state relocation laws consisting of relocation advisory assistance and benefit payments that will enable them to relocate to a suitable replacement location. Overland, Pacific & Cutler, Inc. ("OPC"), a relocation firm, under contract with the Agency, has updated the residential portion of the relocation plan. OPC will be working with Agency staff to relocate all residential and business tenants in the Uptown Project Area as required by relocation laws.

### **BACKGROUND**

The original Central District Urban Renewal Plan dates back to June 12, 1969. On July 24, 2001, the Agency approved an amended redevelopment Plan for the Central District Redevelopment Project Area of Oakland to be carried out in accordance with California Community Redevelopment Law (Health & Safety Code Section 33391, et. seq.). According to the Plan, in order to eliminate blight influences and to improve the Project Area, all properties which are designated in the Uptown Activity

Area may be acquired by negotiation or eminent domain, and sold, leased or conveyed for reuse in accordance with the amended Plan.

On November 16, 2004, the Agency adopted five resolutions that authorized the City of Oakland Redevelopment Agency to commence eminent domain proceedings to acquire the below referenced properties, leasehold rights, and business interests as described and shown in Tables 1 through 3. This action allowed the Agency to obtain site control to facilitate the Uptown Project and for redevelopment purposes in the Uptown Activity Area.

**Real Properties:**

**Table 1**

OWNER	LOCATION	APN	SIZE	DESCRIPTION	INTEREST TO BE ACQUIRED
Chungkei Fung	565 Thomas Berkley Way (20th Street), Oakland, CA 94612	008-0644-038-00	Land Site: 2,200 sq. ft. Building: 2,178 sq. ft.	Commercial Building	Real Property
John M. Revelli & Maria A. Revelli	571 Thomas Berkley Way (20th Street), Oakland, CA 94612	008-0644-036 008-0644-037	Land Site: 3,967 sq. ft. Building: 1972 sq. ft.	Commercial Building & Vacant Lot	Real Property
W R Schwyhart	1972 San Pablo Avenue, Oakland CA 94612,	008-0644-023	Land Site: 4,995 sq. ft. Building: 4,167 sq. ft.	Commercial Building	Real Property
Hahn Family Trust	2000-2016 Telegraph Avenue and 490 Thomas Berkley Way (20 <sup>th</sup> Street) Oakland, CA 94612	008-0649-010 and 008-0649-009	9,336 sq. ft. 10,755 sq. ft.	Parking Lots	Real Property

**Billboards:**

**Table 2**

OWNER	LOCATION	FACE NUMBER	LEASE NUMBER	SIZE	INTEREST TO BE ACQUIRED
Viacom	490 Thomas Berkley Way (20 <sup>th</sup> Street)	2662	258	12' X 25'	Leasehold
Viacom	2016 Telegraph Avenue	1250	258	12' X 25'	Leasehold
Viacom	2016 Telegraph Avenue	1774	258	12' X 25''	Leasehold
Viacom	Fox Theater	4173	258	6' X 12'	Leasehold
Viacom	1998 San Pablo Avenue	4172 & 4177	1348	6' X 12'	Leasehold
Viacom	593 Thomas Berkley Way (20 <sup>th</sup> Street)	1742 & 1100	209	12' X 25'	Leasehold

**Business Interests:**

**Table 3**

<b>NAME</b>	<b>OWNER</b>	<b>LOCATION</b>	<b>TYPE</b>	<b>INTEREST TO BE ACQUIRED</b>
The Autohouse Car Repair	Chungkei Fung	565 Thomas Berkley Way (20th Street) Oakland, CA 94612	Auto Repair	Business Interest of Fung
Revelli Tires	John M. Revelli	571 Thomas Berkley Way (20 <sup>th</sup> Street) Oakland, CA 94612	Tire	Business Interest of Revelli
Star Park Corp	Star Park Corp	2000-2016 Telegraph Avenue and 490 Thomas Berkley Way (20 <sup>th</sup> Street) Oakland, CA 94612	Parking	Business Interest of Hahn

The Agency's acquisition of three parcels located at 1920 San Pablo Avenue (008-0643-006), 1954 San Pablo Avenue (008-0644-021), 610 William Street (008-0644-020) and Furniture, Fixtures and Equipment ("FF&E") is necessary for the development of the Uptown Project. The first parcel at 1920 San Pablo is improved with a two-story commercial building that features 19 single room occupancy (SRO) dwelling units and a commercial store with a total gross building area of 10,008 square feet, which was constructed in 1930-1940. The second parcel at 1954 San Pablo houses a two-story commercial building with 15 SROs and two commercial stores on the ground floor with a total gross building area of 9,205 square feet. The third parcel at 610 William Street is a vacant lot with land area of 2,200 square feet. The properties were appraised and an offer to purchase at the appraised fair market value of \$1,530,570 was made to the property owners. The residential tenants at the subject properties are entitled to relocation benefits under state relocation laws and business tenants have been relocated.

The subject Properties were excluded from the Eminent Domain hearing on November 16, 2004 since the Agency has been in negotiations to acquire the subject Properties from the owners. The Agency has completed appraisals and presented fair market value offers to the property owners. Negotiation with the subject Properties' owners has not resulted in agreements that would allow the Agency to acquire the properties without the use of eminent domain. The subject real property parcels which are the subject of this report are the remaining property interests that are located within the City blocks 643, 644 in the Uptown Activity Area as referenced by Table 4. The precise location and legal description of the proposed acquisitions are shown for the property in the Attachments A-1 to A-3 attached to each Resolution.

**Real Properties:**

**Table 4**

<b>OWNER</b>	<b>LOCATION</b>	<b>APN</b>	<b>SIZE</b>	<b>DESCRIPTION</b>	<b>INTEREST TO BE ACQUIRED</b>
Smith and Feldstein Trust	1920 San Pablo Avenue, Oakland, CA 94612	008-0643-006	Land Site 5,447 sq. ft. Building 10,008 sq. ft.	Commercial Building	Real Property
Smith and Feldstein Trust	1954 San Pablo Avenue Oakland, CA 94612	008-0644-021	Land Site 5,122 sq. ft. Building 9,205 sq. ft.	Commercial Building	Real Property
Smith and Feldstein Trust	610 William St. Oakland CA 94612	008-0644-020	Land Site 2,200 sq. ft.	Vacant Land	Real Property

Pursuant to the LDDA between the Agency, the City and FC Oakland, which was authorized by the Agency and City Council on July 20, 2004, the Agency is committed to considering actions to acquire all properties for a mixed-use project with 700 rental housing units that will be located in an area bounded by 19th Street, Thomas L. Berkley Way, Telegraph Avenue and San Pablo Avenue. The Properties described in the resolution of necessity are necessary for the proposed project. The acquisition of the subject properties is part of the Agency's Uptown Activity Area overall assembly objectives. The completion of these acquisitions will advance the Agency's objective in gaining full site control for the Uptown Project, and would facilitate redevelopment activities in the Uptown Activity Area.

The LDDA does not require the Agency to adopt a resolution of necessity to condemn those parcels that the Agency has not yet acquired. The Agency retains sole discretion to decide whether or not to condemn the remaining subject properties and other outstanding property interests as outlined above. The Agency has no obligation whatsoever to acquire any parcel by eminent domain, and is not liable in any respect to FC Oakland for failure to acquire any of the above-referenced properties or business interests by eminent domain.

**KEY ISSUES AND IMPACTS**

**Purposes of the Acquisition**

Time is of essence. The purpose of the acquisition is to implement the Redevelopment Plan for the Uptown Activity Area by completing site assembly. Per the terms of the LDDA, the Agency has also agreed to consider in its sole and absolute discretion whether to deliver the subject Properties to FC Oakland to facilitate the Uptown Project. The proposed project is planned or located in the manner that will be the most compatible with the greatest public good and the least private injury. The acquisition of the Properties will benefit the Uptown Activity Area by providing an opportunity to develop new

affordable housing for residents in the area. Developing the project area will eliminate the existing blighted conditions of vacant buildings, trash, underutilized parcels, and vagrants' encampment. Moreover, as described in the Agency resolution authorizing the LDDA, the Uptown Project:

...furtheres the purposes of the California Community Redevelopment Law, contributes to the elimination of blight in the Central District Redevelopment Project Area, conforms to the Central District Redevelopment Plan, including its Implementation Plan, and furtheres the goals and objectives of said Redevelopment Plan in that: (1) the Project will increase the stock of rental housing, including affordable housing, in the Central District, and reestablish residential areas for all economic levels within the Central District; (2) the Project will provide necessary neighborhood-serving commercial facilities lacking in the Central District; (3) the Project, once developed, will create permanent jobs for low and moderate income people, including jobs for area residents; (4) the Project will help create a stable 24-hour residential community which will enhance the viability of retail businesses in the area; (5) the Project will redevelop a key vacant and underutilized site in the Central District; (6) the Project will improve environmental design within the Central District; and (7) the Project, once developed, will enhance depreciated and stagnant residential and commercial property values in the surrounding areas, and will encourage efforts to alleviate economic and physical blight conditions in the area, including high business vacancy rates, excessive vacant lots, and abandoned buildings, by enhancing the development potential and overall economic viability of neighboring properties...

### **Property Acquisition Process**

As required by Government Code Section 7267.2, the Agency has obtained appraisals of all the properties. Those appraisals were updated, reviewed and approved by a qualified review appraiser. The appraisals completed by the Agency established the fair market value purchase price for each property and represent just compensation to the owners of these Properties. Pursuant to Government Code Section 7267.2, the Agency has made good faith offers to purchase the subject Properties from all the owners. Each offer was based on the fair market value of the subject property in question as established by the updated appraisals. The updated offers to the owners of the properties were all made between August 1, 2003 and September 30, 2004.

The Agency's Real Estate Division representatives have made numerous efforts to resolve and settle all issues with the remaining property owners for acquisitions and related compensation. In August of 2004, the Agency and the owners reached a conditional tentative agreement regarding the voluntary purchase of the Properties by the Agency. The Agency's Board adopted Resolution Number 2004-47 authorizing the Agency to purchase the Properties for an amount not to exceed \$1,600,000 and to indemnify the sellers for environmental liabilities related to properties. However, further negotiations regarding the indemnification of the liability risks for specific items of below the surface and above the ground hazardous materials on the Properties by the Agency, did not produce acceptable solutions to the three owners of the Properties and the Agency. Should the proposed Resolution of Necessity be adopted, the Agency will continue to make good faith efforts to negotiate with the affected property

owners for amicable settlements even after the Agency files the eminent domain actions described below.

The filing of the eminent domain actions will not preclude further efforts by the Agency and property owners to continue negotiations in an effort to reach agreement on the compensation for the acquisition of the Properties. Only if no voluntary agreement is reached would litigation and trial be necessary to secure titles to the Properties and fix just compensation. If a trial is necessary with regard to the value of any of the properties or interests therein, the Court or jury would determine the fair market value compensation for the Properties or property interests being acquired.

By adopting the proposed Resolution of necessity, the Agency will authorize the filing of eminent domain actions to acquire the subject Properties. Upon filing the actions, the Agency will deposit with the Superior Court the Agency's estimated fair market value compensation for each of the Properties. Those funds will be available for withdrawal by Property owners or others with interests in the Properties. Those deposits will be based on the updated appraisals of the properties. The Agency will also seek Court orders of possession of the Properties, which will allow the Agency to go forward with site control and allow implementation of the Uptown Project within three to four months after those orders are obtained.

### **The Resolution of Necessity**

The proposed Resolution of Necessity has been prepared in accordance with Code of Civil Procedure Section 1245.230. The Resolution declares that the Agency finds that the public interest and necessity require the Properties for redevelopment activities in the Uptown Activity Area of the Central District Redevelopment Project Area, specifically for completion of site assembly and control for the Uptown Project and redevelopment purposes. The Uptown Project and redevelopment of properties in the Uptown Activity Area are planned in such a manner as to be most compatible with the greatest public good and can not go forward without site control and the acquisition of the specified Properties. The Resolution further state that the Agency is authorized by Health and Safety Code Section 33390, et seq. and the Central District Redevelopment Plan to acquire and condemn these Properties for redevelopment purposes.

### **Environmental Review**

An affiliate of FC Oakland and the Agency completed many of the steps necessary under the project approvals process required under the California Environmental Quality Act (CEQA). On December 17, 2002, the Agency's governing board authorized the use of the preliminary design plan for the Uptown Project for the purpose of public outreach as mandated by CEQA. A Notice of Preparation of Environmental Impact Report (EIR) for the Uptown Project was issued on February 26, 2003. An affiliate of FC Oakland conducted a community workshop to present the preliminary project design and the proposed scope of the EIR for public review, and the Oakland Planning Commission held a scoping session public hearing about the content of the EIR in March of 2003. The Oakland Planning Commission, in compliance with CEQA, certified the EIR for the Uptown Project on February 18, 2004. The CEQA process included discussion regarding all of the Properties specified in this report.

### **Hazardous Materials Abatement**

The Agency has completed its due diligence regarding these Properties by conducting numerous hazardous material tests on subsurface and surface structures in the Uptown Project Area. Agency staff has initiated a comprehensive soils and groundwater assessment program to further identify and characterize the contaminants present on and beneath the Uptown Project Area, and to prepare a more reliable remediation cost estimate. Prior to the transfer of the Uptown Project Area to FC Oakland, the developer and the Agency will seek to enter into a Prospective Purchaser Agreement (PPA) with the State of California's Regional Water Quality Control Board, San Francisco Bay Region ("Regional Board"), in order to develop a remediation plan that will accommodate the redevelopment of the site.

The Polanco Act is state law that allows the Agency to pursue any identifiable third parties responsible for site contamination, which may reduce the Agency's and FC Oakland's potential financial exposure under the site remediation costs sharing plan.

The Agency, the City, and FC Oakland have agreed to the following remediation cost sharing plan for the Uptown Project Area, including the site of the proposed affordable housing project, as described in the LDDA (the "Affordable Housing Project" site):

- (1) The Agency will be responsible for the first \$2,585,600 million in remediation costs for the Uptown Project and \$414,400 for the Affordable Housing Project (a total of \$3,000,000);
- (2) If the Agency's current comprehensive site assessment indicates that abatement costs may substantially exceed \$3.0 million, the parties can meet and confer to consider how to cover the additional costs. If the parties cannot reach agreement, then either party may terminate the LDDA, except that FC Oakland will have the option to pay all the additional costs so that the Agency will not terminate the LDDA.
- (3) Any cost recoveries from third parties (i.e., responsible third-party polluters, current property owners or insurance proceeds) will be shared by FC Oakland and the Agency in proportion to the total remediation costs expended by each party.



## **SUSTAINABLE OPPORTUNITIES**

Economic: The acquisition of these Properties will ultimately contribute to a redevelopment infill project, which will take blighted and underutilized sites and turn them into a large-scale housing and mixed-use project which will contribute to job creation, new retail openings and increased tax revenue for the City. The completion of the project will create a large residential community in the downtown area, which will in turn increase retail spending in the area.

Environmental: The excellent location of the Uptown Activity Area in proximity to major public transportation nodes will likely encourage use of BART and AC Transit by Uptown Project residents and retail customers, which will ease general pressure on the region's congested transportation infrastructure. Lastly, the development of a large, mixed-use project in the area will incorporate green building techniques into design and construction.

Social Equity: The Agency will also require that any housing development in the Uptown Project Area provide at least 20 percent affordable housing. This requirement is designed to attract a socio-economically diverse population to the downtown. The Uptown Project will expand the supply of affordable housing in Oakland by including 140 rental units that will be affordable to households earning 50 percent or less of the area's median income. The proposed Affordable Housing Project will provide at least 70 additional affordable units including large family-sized units, as well as small studio apartments with a wider range of affordability. FC Oakland will comply with the City's contracting programs, including the Small/Local Business Construction Program, the Small/Local Business Professional Services Program (L/SLBE) and the Local Employment Program. All of the workers performing construction work for Agency funded projects must be paid prevailing wage rates. FC Oakland will also be subject to the Living Wage Ordinance. Displaced occupants in the Project Area will be entitled to relocation assistance according to California Redevelopment Laws.

## **DISABILITY AND SENIOR CITIZEN ACCESS**

Where persons being displaced are either senior citizens and/or disabled, relocation services will assure appropriate relocation opportunities in full compliance with the Americans with Disabilities Act, the Older Americans Act, as well as other applicable laws.

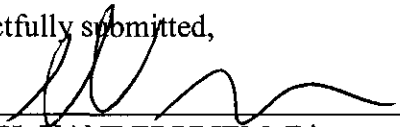
## **RECOMMENDATION**

Staff recommends that the Agency adopt the attached Resolution of Necessity which authorizes the commencement of eminent domain proceedings to acquire the above referenced Properties, as described and shown in the map and legal description attached to the Resolution as Attachment A-1 to A-3.

**ACTION REQUESTED OF THE AGENCY**

Adopt the Resolution that authorizes the City of Oakland Redevelopment Agency to commence eminent domain proceedings to acquire the above referenced Properties as described and shown in the map and legal description attached to each Resolution as Attachment A-1 to A-3. This action allows the Agency to obtain site control to facilitate the Uptown Project and for redevelopment purposes in the Uptown Activity Area.

Respectfully submitted,

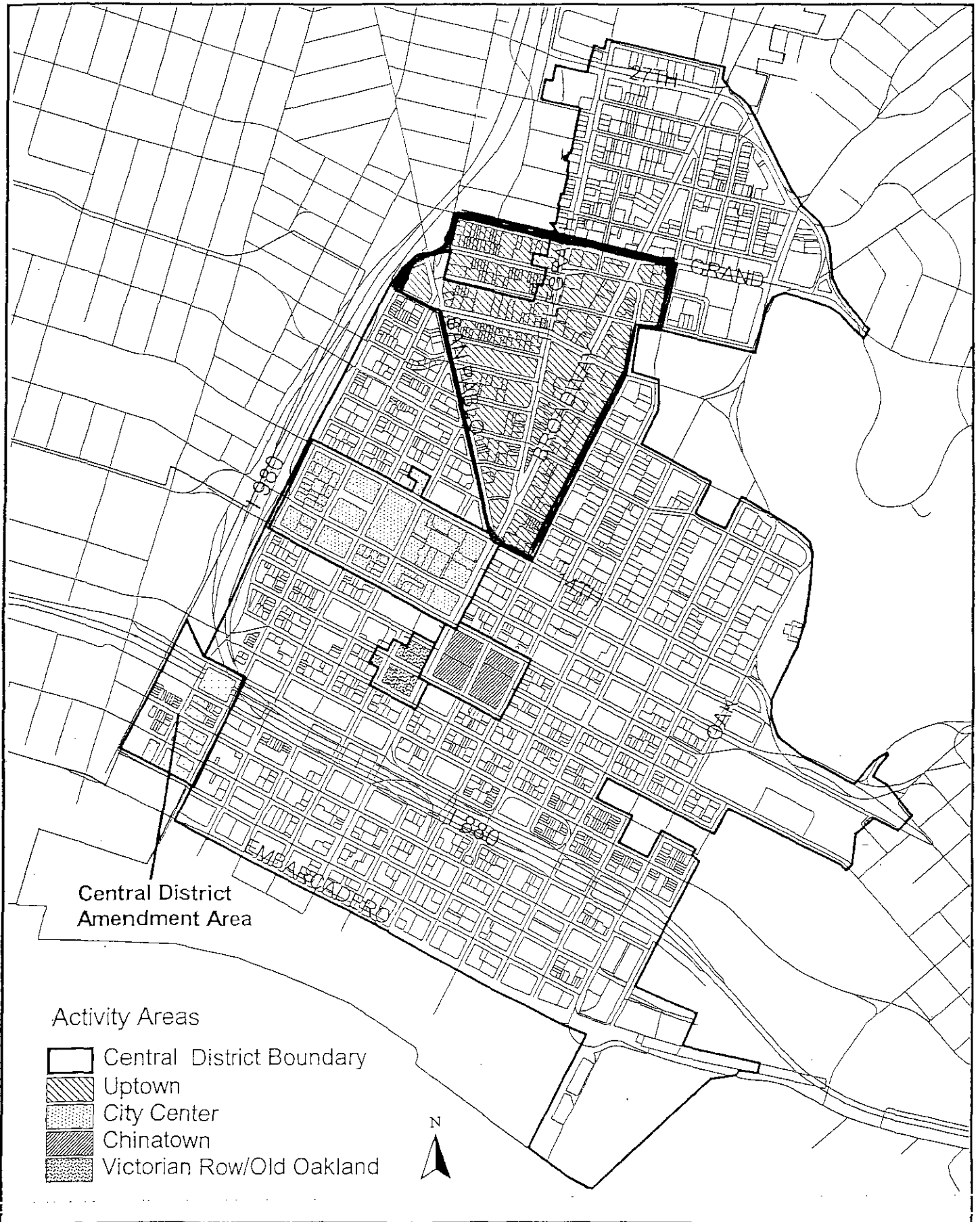
  
\_\_\_\_\_  
DANIEL VANDERPRIEM, Director  
Redevelopment, Economic Development and Housing and  
Community Development

Prepared by:  
Hamid Ghaemmaghami, Real Estate Agent  
CEDA, Real Estate Division

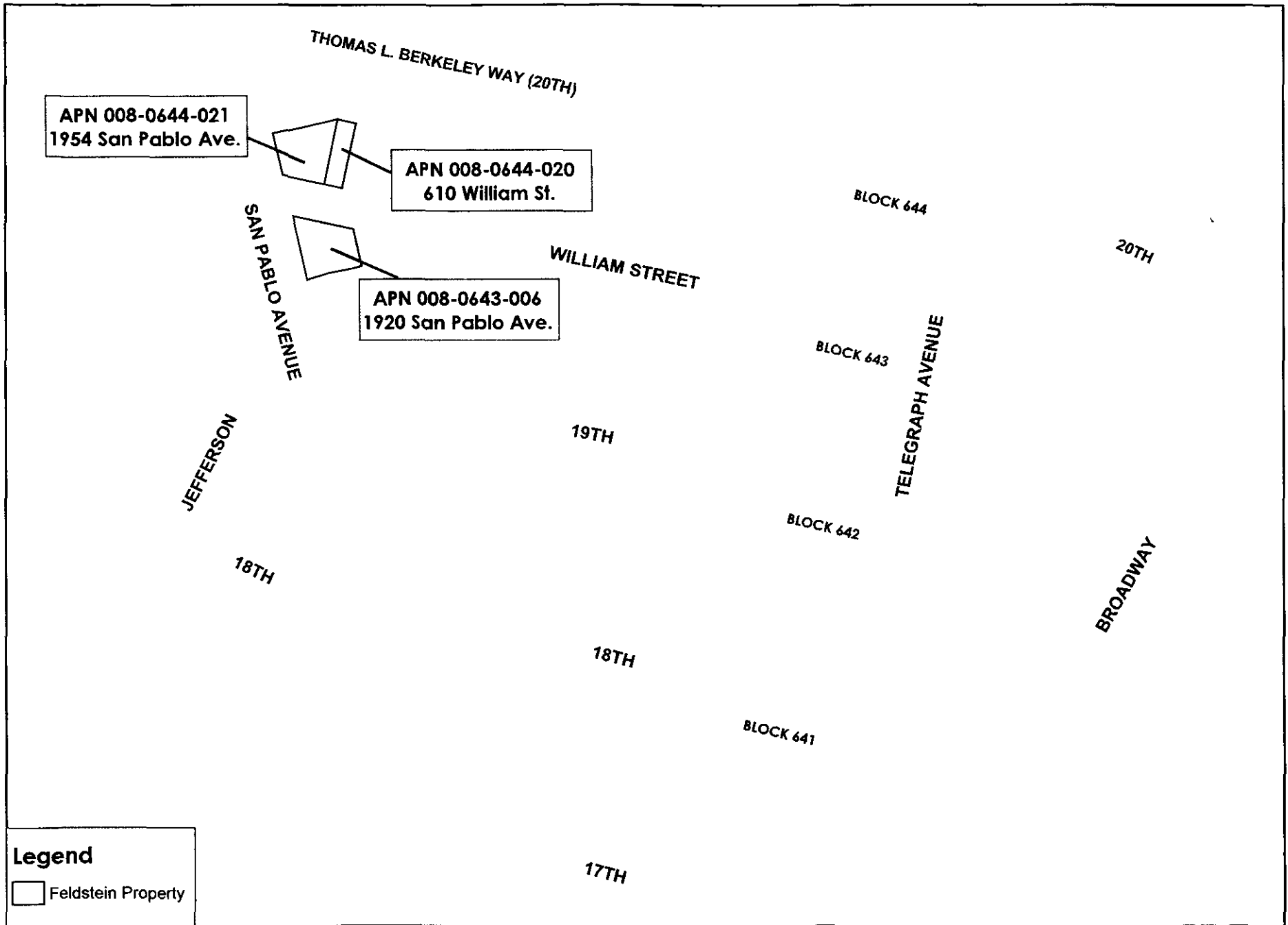
APPROVED AND FORWARDED TO THE  
COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE

  
\_\_\_\_\_  
OFFICE OF THE AGENCY ADMINISTRATOR

# Exhibit "A"



# EXHIBIT B



*J. M. Miller*

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

REDEVELOPMENT AGENCY  
OF THE CITY OF OAKLAND

2005 JAN 13 PM 8:19

RESOLUTION No. \_\_\_\_\_ C.M.S.

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**A RESOLUTION OF NECESSITY DECLARING CERTAIN PROPERTY INTERESTS AT 1920 SAN PABLO AVENUE, OAKLAND CA 94612 (ASSESSOR PARCEL NUMBER: 008-0643-006), 1954 SAN PABLO AVENUE, OAKLAND CA 94612 (ASSESSOR PARCEL NUMBER: 008-0644-021, AND 610 WILLIAM STREET, OAKLAND CA 94612 (ASSESSOR PARCEL NUMBER 008-0644-020) AS NECESSARY FOR PUBLIC PURPOSES AND AUTHORIZING AGENCY COUNSEL TO INITIATE CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF SAID PROPERTY INTERESTS FOR REDEVELOPMENT PURPOSES AS PART OF THE UPTOWN PROJECT**

**WHEREAS**, the Agency wishes to pursue the development of a mixed-use rental housing and retail development project (the "Uptown Project") in Oakland on the blocks 642, 643, 644 and 649 generally bounded by Thomas L. Berkley Way (formerly 20th Street) on the north, Telegraph Avenue on the east, 19th Street on the south and San Pablo Avenue on the west (the "Uptown Project Area"), and redevelopment on adjacent properties not within the Uptown Project Area, but still within the Uptown Retail and Entertainment Area ( the "Uptown Activity Area"), as identified on Exhibit "A" in the Central District Redevelopment Project Area ("Central District") of the Central District Urban Renewal Plan, adopted by the Agency on June 12, 1969, as amended ( the "Plan"); and

**WHEREAS**, the proposed Uptown Project will assist in the elimination of blight in the Central District, and will help meet the objectives of the Plan and redevelopment law; and

**WHEREAS**, The Uptown Project will benefit the Central District as described in the Agenda Report for this Resolution, and by increasing and improving the supply of affordable housing available in the Central District and the City for low and moderate income homebuyers, attracting more residents to downtown Oakland, creating more commercial retail activities and by enhancing the economic viability and redevelopment potential of the Uptown Activity Area; and

**WHEREAS**, after good faith negotiations with the owners of certain privately-owned real properties in the Uptown Project Area were unsuccessful, the Agency wishes to authorize Agency Counsel to commence eminent domain proceedings to acquire said properties; now therefore be it

**RESOLVED:** That the Redevelopment Agency hereby finds, determines, and resolves as follows:

1. The Redevelopment Agency of the City of Oakland is a public entity authorized to establish and carry out community redevelopment projects pursuant to Health and Safety Code Sections 33391, et seq.
2. The property interests described hereinafter are to be taken for public use, namely, to eliminate blight and for redevelopment purposes, and for affordable housing, and all public purposes pursuant to the authority conferred upon the Redevelopment Agency to acquire properties by eminent domain, including Health and Safety Code Section 33391; Code of Civil Procedure Sections 1240.140, 1240.510, and 1240.610; and Article I, Section 19, of the California Constitution.
3. The interests to be acquired herein is the fee simple interest in certain properties located at 1920 San Pablo Avenue, Oakland CA 94612 (Assessor Parcel Number: 008-0643-006), 1954 San Pablo Avenue, Oakland CA 94612 (Assessor Parcel Number: 008-0644-021, and 610 William Street, Oakland CA 94612 (Assessor Parcel Number 008-0644-020), together with all improvements situated thereon and the underlying fee interest, if any, appurtenant to the properties in and to any adjoining streets, alleys, public ways, or railroad rights-of-way, all as more particularly indicated in the legal descriptions and map attached hereto and incorporated herein by this reference as Attachment A-1, A-2 and A-3.
4. The environmental impacts of the Uptown Project were considered in the Environmental Impact Report that was certified by the Oakland Planning Commission, in compliance with CEQA, for the Uptown Project, on February 18, 2004.
5. The Redevelopment Agency has reviewed and considered the Environmental Impact Report, before and as part of the process of determining whether to acquire the above-described properties.
6. The subject properties are being acquired for a compatible use under Code of Civil Procedure section 1240.510 in that the Redevelopment Agency's use of the subject properties will not interfere with or impair the continued public use as it now exists or may reasonably be expected to exist in the future, or, in the alternative, for a more necessary public use under Code of Civil Procedure section 1240.610 in that the Agency's use of the subject properties is a more necessary public use than the use to which the subject properties are appropriated.
7. The Redevelopment Agency hereby declares that it has found and

determined each of the following:

- (a) The public interest and necessity require the proposed Uptown Project;
  - (b) The proposed Uptown Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
  - (c) The properties described in this resolution are necessary for the proposed Uptown Project; and
  - (d) The offer required by Government Code section 7267.2 has been made to the owners of record.
8. Agency General Counsel or its designee is hereby authorized (a) to take all steps necessary to commence legal proceedings, in a court of competent jurisdiction, in the name of the Redevelopment Agency of the City of Oakland, (b) to acquire the property interests described above by eminent domain, (c) to seek and obtain an Order for Possession of said property interests in accordance with the provisions of the eminent domain law, and (d) to deposit the total sum of probable compensation fixed by appraisal with the State Treasurer in the State Condemnation Deposits Fund, as provided by statute; and be it

**FURTHER RESOLVED:** That funds in the amount of \$1,530,570 for the acquisition of these properties have previously been budgeted and appropriated by the Agency pursuant to Resolution No. 2004-38 C.M.S. passed on July 20, 2004 and are available from Central District Tax Allocation Sources (Fund # 9532), Uptown/Forest City LDDA (Project #T245610), Org. 94800.

IN AGENCY, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2005

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN, AND PRESIDENT DE LA FUENTE

NOES-

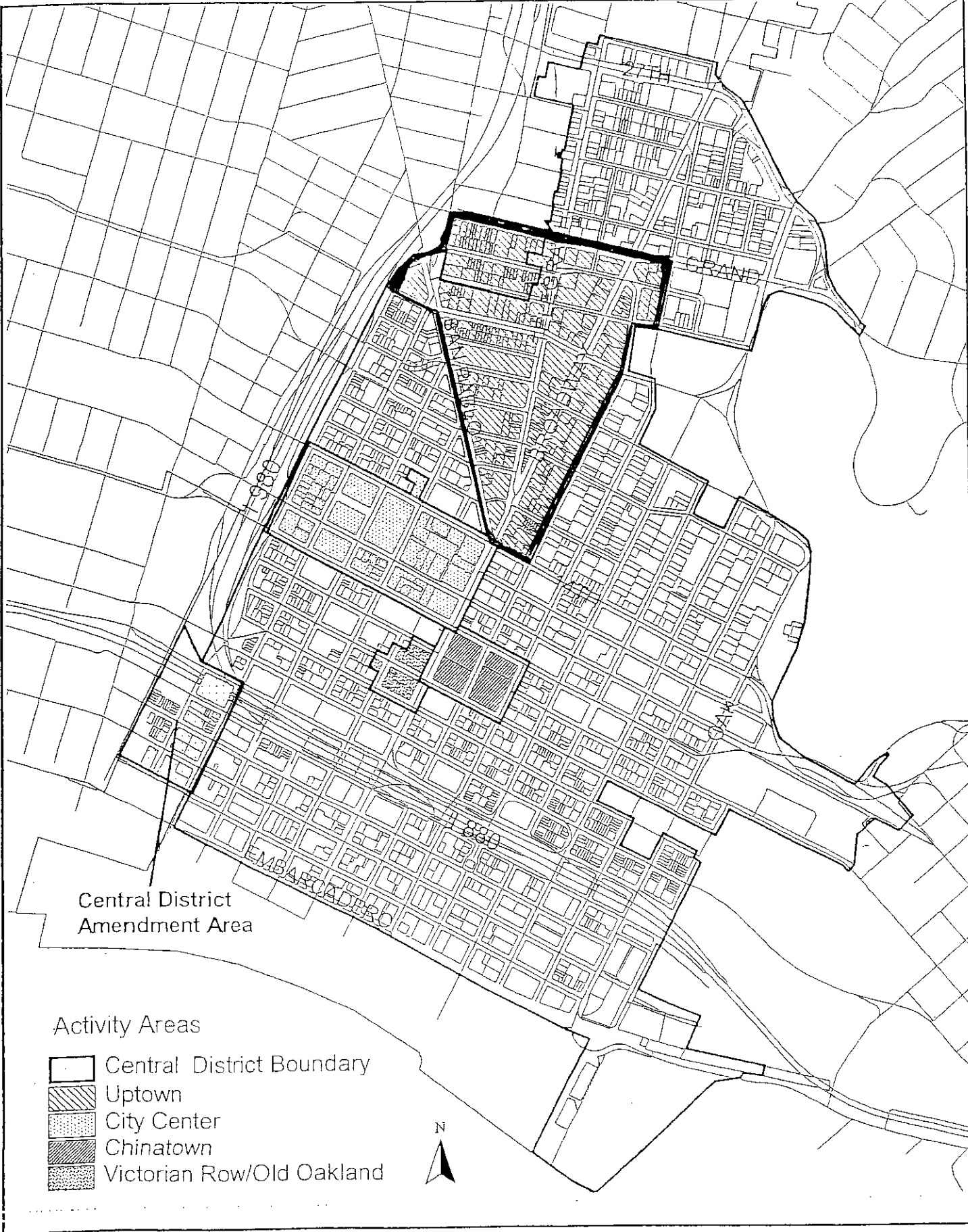
ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_

CEDA FLOYD  
Secretary of the Redevelopment Agency  
of the City of Oakland

# Exhibit "A"





# ATTACHMENT A-1

## LEGAL DESCRIPTION

Real property in the City of Oakland, County of Alameda, State of California, described as follows:

### PARCEL ONE:

Beginning at a point on the Eastern line of San Pablo Avenue, distant thereon one hundred six feet, one inch, Northerly from the point of intersection thereof with the Northern line of 19th Street, formerly Frederick Street; running thence Northerly along said line of San Pablo Avenue, Fifty feet; thence at right angles Easterly, Seventy-Seven feet, Nine inches; thence Southerly and parallel with San Pablo Avenue, Fifty feet; and thence at right angles Westerly, Seventy-Seven feet, Nine inches, to the point of beginning.

Being Lots Numbered 5 and 6, in Block Numbered 2001, as said Lots and Block are delineated and so designated upon that certain Map entitled "Hogan Tract" etc., filed June 19, 1876, in the Office of the County Recorder of Alameda County.

APN: 008-0643-006 (portion)

### PARCEL TWO:

Beginning at a point on the Northeasterly line of San Pablo Avenue, distant thereon Northwesterly One Hundred Fifty-Six (156) feet One (1) inch from the point of intersection thereof with the Northerly line of 19th Street, formerly Frederick Street, as said avenue and street are shown on the map hereinafter referred to; running hence at right angles Northeasterly Seventy-Seven (77) feet, Nine (9) inches; running thence at right angles Northwesterly Two (2) feet, Six (6) inches to a point on the Southerly line of William Street, formerly 19th Street, as said street is shown on said map hereinafter referred to; running thence Westerly along said line of William Street Eighty-Six (86) feet, Three (3) inches to the said Northeasterly line of San Pablo Avenue; running thence Southeasterly along said line of San Pablo Avenue Thirty-Nine (39) feet, One and three-fourths (1-3/4) inches to the point of beginning.

Being Lot No. 7 in Block No. 2001, as said lot and block are delineated and so designated upon that certain map entitled "Hogan Tract, Oakland, Alameda County, State of California", filed June 19, 1876, in Liber 2 of Maps, Page 2, in the Office of the County Recorder of said Alameda County.

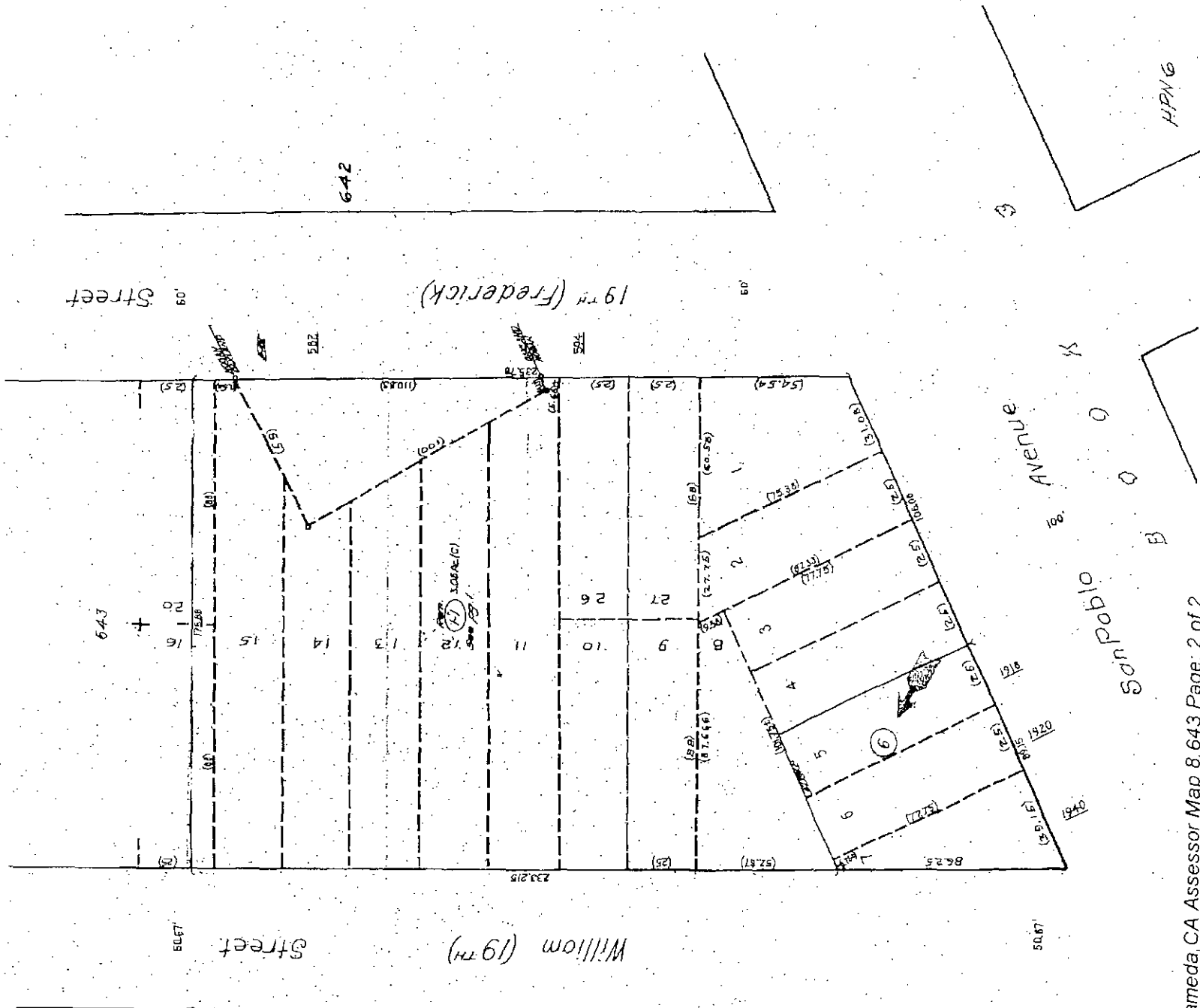
APN: **008-0643-006 (remainder)**

**ASSESSOR'S MAP B**  
**ATTACHMENT A-1**

as established and proposed  
 surveys and records of the County, as per Mr. Doaramani,  
 City and County Surveyor (Bk. 17 Pg. 14)

Map of the Hogan Tract. (Bk. 2 Pg. 2)

Scale 1" = 30 ft.



THIS MAP SHOULD BE USED FOR REFERENCE PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. PARCELS MAY NOT COMPLY WITH LOCAL SUBDIVISION OR BUILDING ORDINANCES.

## ATTACHMENT A-2

### LEGAL DESCRIPTION

Real property in the City of Oakland, County of Alameda, State of California, described as follows:

Lots 1 and 2, in Block 2002 as said Lots and Block are delineated and so designated upon that certain Map entitled, "Hogan Tract, Oakland, Alameda County, State of California", filed June 19, 1876, in Liber 2 of Maps, Page 2, in the office of the County Recorder of Alameda County.

APN: **008-0644-021**

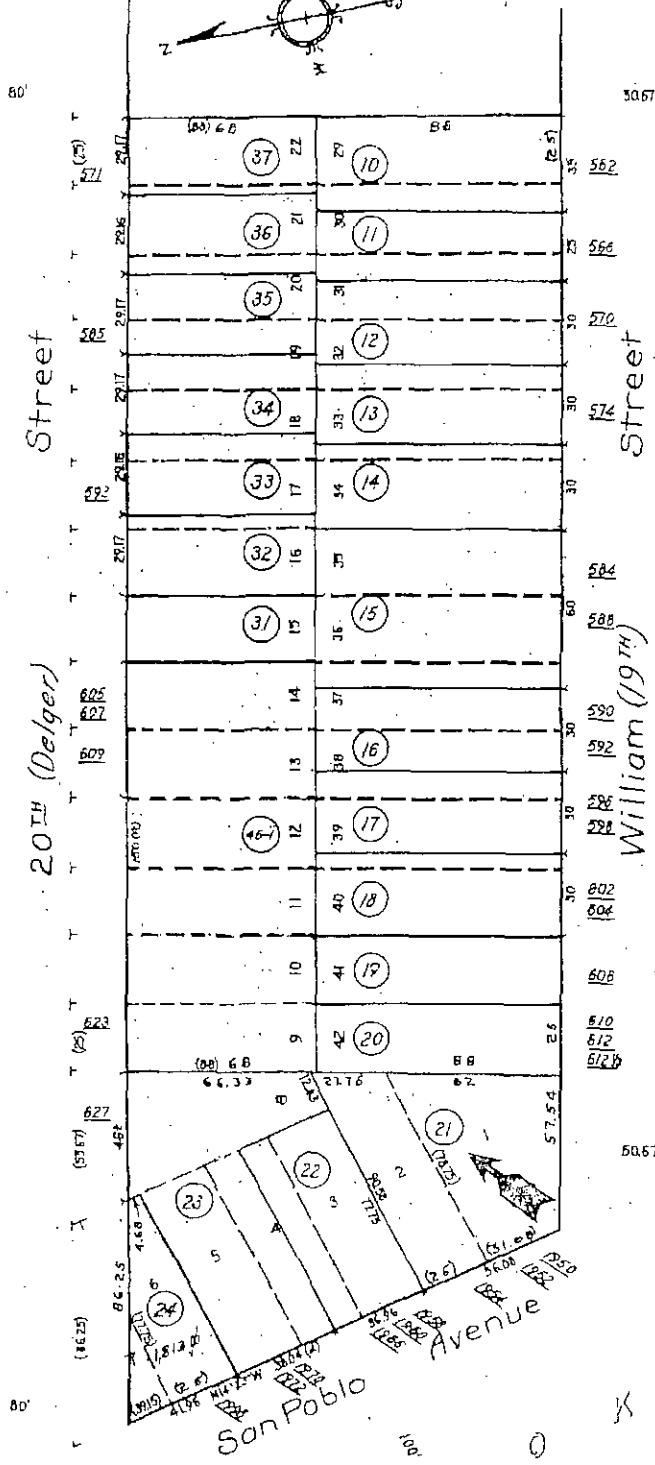
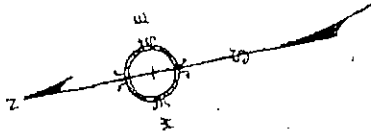
Map of the Hogan Ti u u i (D.K.R. 9.4)  
Scale 1 in = 40 ft.

644  
2002

Page 2

Rev. 10-17-74  
6-4-82 D  
3-11-83 CS

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643

THIS MAP SHOULD BE USED FOR REFERENCE PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. PARCELS MAY NOT COMPLY WITH LOCAL SUBDIVISION OR BUILDING ORDINANCES.

## ATTACHMENT A-3

### LEGAL DESCRIPTION

Real property in the City of Oakland, County of Alameda, State of California, described as follows:

Lot 42, in Block 2002, as said Lot and Block are shown on the Map of "Hogan Tract", Alameda County, California", filed June 19, 1876, in Book 2 of Maps at Page 2, in the office of the County Recorder of Alameda County.

APN: **008-0644-020**

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2002

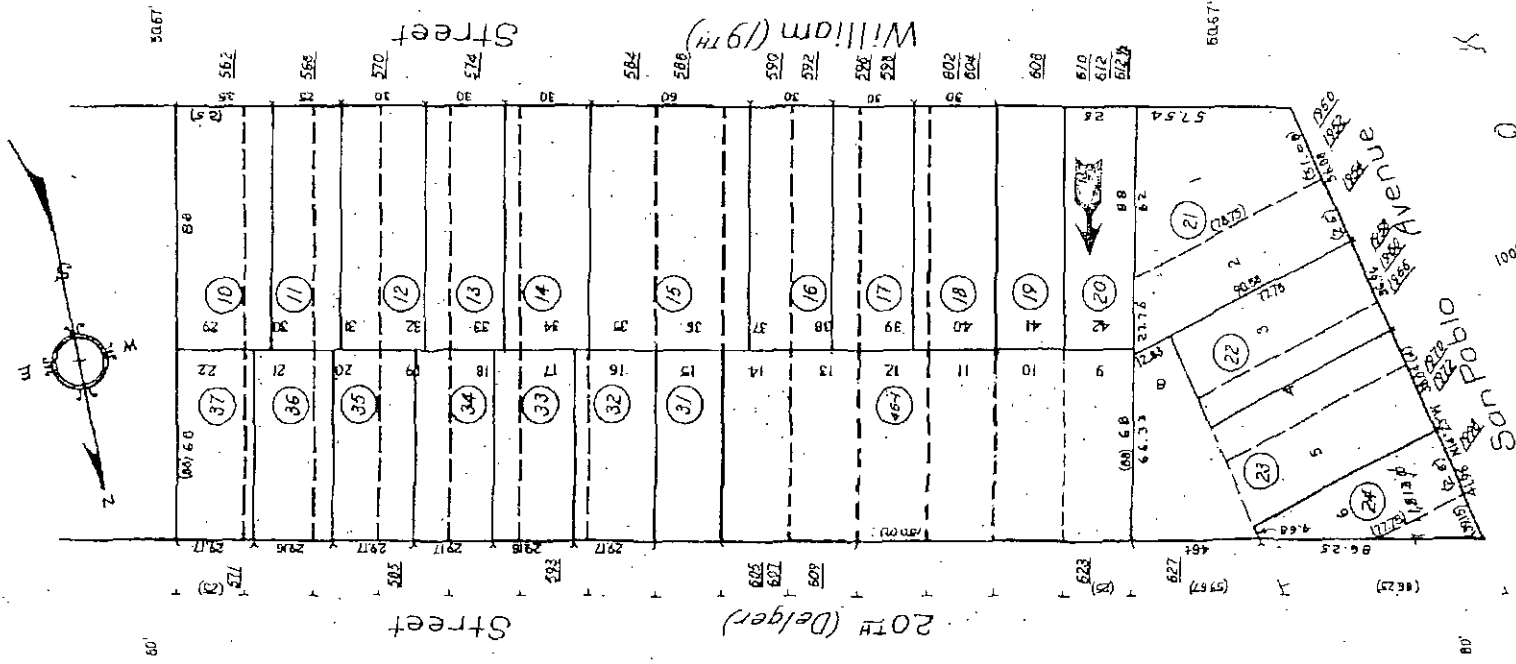
Page 2

Map of the Hoqa

Scale 1/4" = 40 FT.

RRX 10-8-77 km  
6-4-02 D  
3-11-83 CS

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THIS MAP SHOULD BE USED FOR REFERENCE PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. PARCELS MAY NOT COMPLY WITH LOCAL SUBDIVISION OR BUILDING ORDINANCES.