


OFFICE OF THE CITY CLERK

2007 JAN 11 PM 12:42

APPROVED AS TO FORM AND LEGALITY


AGENCY COUNSEL

**REDEVELOPMENT AGENCY
OF THE CITY OF OAKLAND**
2007-0009
RESOLUTION NO. _____ C.M.S.

**A RESOLUTION APPROVING AND RECOMMENDING ADOPTION OF THE
FIRST AMENDMENT TO THE BROADWAY/MACARTHUR/SAN PABLO
REDEVELOPMENT PLAN TO LIMIT THE REDEVELOPMENT AGENCY'S
EMINENT DOMAIN AUTHORITY OVER RESIDENTIAL PROPERTY**

WHEREAS, the City Council of the City of Oakland (the "City Council") adopted the Redevelopment Plan for the Broadway/MacArthur/San Pablo Redevelopment Project (the "Redevelopment Plan") on July 25, 2000, as a redevelopment plan for the Broadway/MacArthur/San Pablo Project Area (the "Project Area") pursuant to the California Community Redevelopment Law (Health and Safety Code Sections 33000, et seq.); and

WHEREAS, the Redevelopment Plan includes authority for the Redevelopment Agency to acquire property through eminent domain; and

WHEREAS, the Agency has submitted to the Council a proposed First Amendment to the Broadway/MacArthur/San Pablo Redevelopment Plan (the "First Amendment" or the "Amendment") limiting the Agency's eminent domain authority to acquire certain residential properties in the Project Area; and

WHEREAS, Health and Safety Code Section 33450, et seq., authorizes a legislative body to amend a redevelopment plan after holding a public hearing; and

WHEREAS, the proposed Amendment does not propose any additional property for inclusion in the Project Area, nor does it increase or reduce the Project Area or affect the Redevelopment Agency's authority to claim tax increment revenues; and

WHEREAS, the Broadway/MacArthur/San Pablo Project Area Committee recommended adoption of the proposed Amendment on July 6, 2006; and

WHEREAS, the City has provided the published and mailed notice of the hearing and this Amendment as required by Health and Safety Code Section 33452; and

WHEREAS, the Redevelopment Agency and the City Council held a joint public hearing on the proposed Amendment, as permitted under Health and Safety Code Section 33458, on February 20, 2007; and

WHEREAS, it can be seen with certainty that this proposed Amendment will have no environmental effect, pursuant Section 15063(b)(3) of the California Environmental Quality Act Guidelines, since it merely limits the authority of the Redevelopment Agency to acquire property through eminent domain; now, therefore, be it


RESOLVED: That the Agency hereby approves and recommends adoption of the First Amendment to the Broadway/MacArthur/San Pablo Redevelopment Plan; and be it further

RESOLVED: That the Agency Secretary is directed to transmit a copy of this Resolution to the City Council for its consideration in adoption of the First Amendment.

IN AGENCY, OAKLAND, CALIFORNIA, FEB 20 2007, 2007

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, ~~REID~~, AND CHAIRPERSON DE LA FUENTE - 7
NOES- 0
ABSENT- 0
ABSTENTION- 0
Excused- Reid- 1

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