

2007 MAR 09 APPROVED AS TO FORM AND LEGALITY:



Agency Counsel

REDEVELOPMENT AGENCY  
OF THE CITY OF OAKLAND

2007-0084  
RESOLUTION No. \_\_\_\_\_ C.M.S.

---

**AN AGENCY RESOLUTION AUTHORIZING THE PURCHASE OF REAL PROPERTY LOCATED AT 710-73<sup>RD</sup> AVENUE IN THE COLISEUM REDEVELOPMENT PROJECT AREA FOR REDEVELOPMENT PURPOSES FROM JAMES A. AND FRANCES LEE METZ, FOR A PURCHASE PRICE OF \$515,000, PLUS ENVIRONMENTAL INSURANCE AND CUSTOMARY REAL ESTATE CLOSING COSTS NOT TO EXCEED \$56,500**

**WHEREAS**, the Oakland Redevelopment Agency (the "Agency") desires to alleviate general blight and unsafe conditions in Coliseum Redevelopment Project Area and, in conjunction with the Bay Area Rapid Transit District ("BART"), to pursue the development of a Coliseum Transit Village on the existing BART Coliseum Station parking lot to better serve the neighborhood; and

**WHEREAS**, BART has stated that replacement parking must be identified and acquired in order to proceed with the Coliseum Transit Village development plan; and

**WHEREAS**, the property located at 710-73<sup>rd</sup> Avenue (APN 041-4173-003-06), depicted on Exhibit A, attached hereto, owned by James A. and Frances Lee Metz, is adjacent to the present BART parking lot in the Coliseum Redevelopment Project Area; and

**WHEREAS**, the owners of the property wish to sell the property to the Redevelopment Agency to assist the Agency in its redevelopment efforts; and

**WHEREAS**, Section 33391 of the California Health and Safety Code provides authorization for property acquisition by the Agency; and

**WHEREAS**, the Redevelopment Agency wishes to acquire the Metz property so that the Agency can redevelop the property for use as a surface parking lot and alleviate blighting, obsolete, and substandard conditions on the property and in the neighboring area; and

**WHEREAS**, the Agency has negotiated a purchase and sales agreement for the Property whereby the seller will sell the property for \$515,000, plus closing costs not to exceed \$6,500; and

**WHEREAS**, the property is occupied by a tenant that will continue to lease the site until such time as the property is required for the Coliseum Transit Village Project, and

**WHEREAS**, the Department of Toxic Substances Control for the State of California (“DTSC”) completed remediation of contaminated soil on the Property, and has identified ground water contamination which it believes may be generated on adjacent properties; and

**WHEREAS**, DTSC has entered a voluntary clean-up agreement with adjacent property owners, Purex and Honeywell Corporations, for ground water remediation, and

**WHEREAS**, if the voluntary ground water clean-up does not proceed, the Agency may be required to undertake the remediation on the Property, and the cost of such ground water clean-up can be covered by an environmental insurance policy, and

**WHEREAS**, the estimated premium of the environmental insurance policy will not exceed \$50,000; and

**WHEREAS**, the requirements of the California Environmental Quality Act (“CEQA”) the CEQA guidelines as prescribed by the Secretary of Resources, and the provisions of the Environmental Review Regulation of the City of Oakland have been satisfied; now, therefore be it

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

1. That the funding of the acquisition of the 710-73rd Avenue parcel from redevelopment funds will benefit the Coliseum Redevelopment Project Area by creating a larger lot to facilitate development of a surface parking lot to better serve area residents and BART, and improve physical conditions in the Coliseum Redevelopment Project Area;
2. That the Agency’s contribution to the cost of acquisition of the Property for parking will assist in elimination of one or more blighting conditions in the project area;
3. That reduction of blight in the Project Area by redeveloping an underutilized parcel and upgrading a blighted, substandard, and obsolete facility into a new parking area to promote the Coliseum Transit Village Project is consistent with the implementation plan adopted for the Coliseum Project Area;
4. That no other reasonable means of financing the acquisition of the Property are available; and be it

**FURTHER RESOLVED:** That the Agency hereby authorizes the purchase of the property at 710-73rd Avenue (APN 041-4173-003-06) for a purchase price of \$515,000 and customary real estate closing costs not to exceed \$6,500; and be it

**FURTHER RESOLVED:** That the Agency Administrator is authorized to negotiate and execute a purchase and sales agreement for the purchase of the property, and purchase environmental insurance for the property for an amount not to exceed \$50,000; and be it

**FURTHER RESOLVED:** That these funds will be allocated from the Coliseum Redevelopment Project Area Tax Allocation Bonds, Series 2006 (Taxable) Fund (9456), Capital Improvement Project – Economic Development Organization (94800), Coliseum Land Acquisition – Taxable Bond Project (T315820); and be it

**FURTHER RESOLVED:** That any revenue produced by the lease be deposited into Fund (9450) Real Estate Org. (88639) Account (44420); 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), Section 15301(l) (existing facilities with no additional expansion of the existing facility), Section 15308 (actions by regulatory agencies to protect the environment), and Section 15311(b) (accessory building and small parking lot) of the CEQA Guidelines, and directs the Agency Administrator to file a Notice of Exemption with the County of Alameda; and be it

**FURTHER RESOLVED:** That the purchase and sale agreement shall be approved as to form and legality by Agency Counsel prior to execution and a copy shall be filed with the Agency Secretary; and be it

**FURTHER RESOLVED:** That the Agency Administrator or her designee is hereby authorized to take whatever other actions are necessary with respect to the purchase of the property consistent with this Resolution and its basic purposes.

IN AGENCY, OAKLAND, CALIFORNIA, DEC 18 2007, 2007

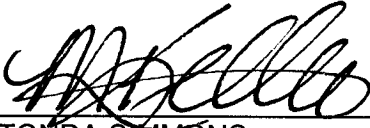
**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND  
CHAIRPERSON DE LA FUENTE - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

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

ASSESSOR'S MAP 41

Exhibit "A"

4173

Scale: 1" = 50'

RESUB.-TOWNSITE OF FITCHBURG (Bk.17 Pg.9)

Drawn: 4-67 E.L. Revised: 7-25-77 RM 79-1

Formerly: Blks. 4173 & 4174.

A.C.M.

Reference:

