

2006 NOV 30 PM 6:51



DEPUTY CITY ATTORNEY

OAKLAND CITY COUNCIL
RESOLUTION NO. 80328 C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A LOAN AGREEMENT WITH BRUSH STREET PARTNERS FOR \$150,000 FROM THE CITY'S BROWNFIELD CLEANUP REVOLVING LOAN FUND FOR ENVIRONMENTAL CLEANUP AT 7TH AND BRUSH STREETS

WHEREAS, the City of Oakland ("City") has received funds from the United States Environmental Protection Agency (the "EPA") that have been used to establish and administer the Brownfields Cleanup Revolving Loan Fund ("BCRLF") from which the City is authorized to make loans to entities willing to undertake remediation and mitigation of hazardous substances on brownfields; and

WHEREAS, the CITY has made a loan to Brush Street Partners ("Borrower") from the State-funded Cal ReUSE environmental site assessment program for environmental assessment of real property at 785 Brush Street in the City of Oakland, California (the "Property"), which is depicted on the Map and described in the Legal Description attached hereto as **Exhibit A** and **Exhibit B**, respectively, incorporated herein by this reference; and

WHEREAS, certain hazardous substances were identified in the soil of the Property, a remediation plan was developed for specific portions of that property, and the removal actions associated with such substances has been approved by the Alameda County Environmental Health Agency ("ACEH"); and

WHEREAS, the Property is not listed, nor proposed to be listed, on the EPA's National Priorities List, as required for BCRLF loan eligibility; and

WHEREAS, the City confirmed that EPA's public participation requirements were met through meetings with the West Oakland Redevelopment Project Area Committee, and establishment of a local information repository at the West Oakland Public Library; and

WHEREAS, the EPA requires a 20% match for loans made with its funds, and such match was met with \$18,500 in CalReUSE funds in addition to technical and administrative assistance provided pursuant to City Resolution No. 76843 C.M.S.; and

WHEREAS, the City Administrator will delegate authority to the Community & Economic Development Agency to act on behalf of the City to implement the BCRLF loan program and to satisfy the requirements of the EPA Cooperative Agreement; and

WHEREAS, the City Council authorizes a loan to the Borrower in the amount of One Hundred and Fifty Thousand Dollars (\$150,000.00) of Brownfields Cleanup Revolving Loan Funds to be used to implement the Mitigation Project on the Property; 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 Regulations of the City of Oakland have been satisfied, and the requirements of the National Environmental Protection Act (“NEPA”) must be addressed prior to funding of loans and grants; now therefore be it

RESOLVED: that the City Administrator is authorized to negotiate and execute a loan agreement in the amount of \$150,000 with Borrower, and be it

FURTHER RESOLVED, that the loan funds will be allocated from Environmental Protection Agency Fund (2125), Business Development Org: (88559), and EPA-Brownfield Cleanup Project (G183830)

FURTHER RESOLVED: that the term of the loan shall be a period of five (5) years from the date the loan agreement is executed, and said agreement shall include incentives for early repayment; and be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator or her designee to negotiate terms, execute, modify, amend and extend agreements, allocate revenue, make expenditures and take all other actions necessary to carry out the basic purposes of this resolution; and be it

FURTHER RESOLVED: That the City Council has independently reviewed and considered this environmental determination and the City Council finds and determines, based on the information in the staff report accompanying this resolution, that this action complies with CEQA because this action on the part of the City is exempt from CEQA pursuant to Sections 15301 (existing facilities) and 15304 (minor alterations to land) of the CEQA guidelines; and be it

FURTHER RESOLVED: That the City Administrator or her designee shall cause to be filed with the County of Alameda a Notice of Exemption for these projects; and be it

FURTHER RESOLVED: That the execution of any documents legally committing the City to fund this loan shall be expressly conditioned upon compliance with the requirements of NEPA, as certified by the City Administrator or her designee; and be it

FURTHER RESOLVED: That all documents shall be reviewed and approved as to form and legality by the City Attorney's Office prior to execution, and copies will be placed on file with the City Clerk.

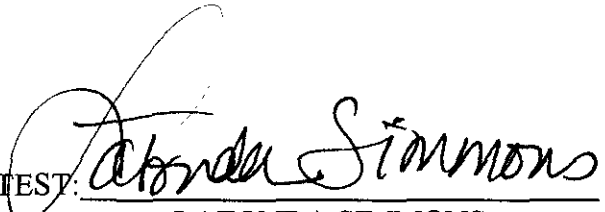
IN COUNCIL, OAKLAND, CALIFORNIA, DEC 19 2006, 2006
PASSED BY THE FOLLOWING VOTE:

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

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST: 
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California

ASSESSOR'S MAP I

Code Area Nos. 17-014

223

Scale: 1" = 50'

OAKLAND (KELLERSBERGER'S) (Bk. 7 Pg. 3)

IMPORTANT: This plat is not a survey, it is merely furnished as a convenience to locate the land in relation to adjoining streets and other lands, and not to guarantee dimensions, distances, bearings or acreage.

Drawn: 10-67 R.H.S. Revised: 1-69 R.L.M. 5-21-69 R.W. 5-30-64 P.B.

MARKET STREET

7TH ST.

B.K. 4

STREET

7TH STREET

STREET

ST.

221

BRUSH

80.50

6TH STREET

STREET

17-014 17-001

NIMITZ

FREEWAY (R-7)

113

Formerly: Bk. 57 10-67

A.C.M.

Reference:

EXHIBIT A



Chicago Title Company

1 Kaiser Plaza, Suite 745 • Oakland, CA 94612
510 451-8888 • FAX 510 465-0738

PRELIMINARY REPORT

Title Officer: Mike Quinones
Escrow Officer: Chad Wilson
Escrow No.: 06-**58200656**-CW

Title No.: 06-**58200656**-MQ
Locate No.: CACTI7701-7701-5582-0058200656

TO: BBI Construction

ATTN: Tom Mccoy

SHORT TERM RATE: No

PROPERTY ADDRESS: 785 7th Street, Oakland, California

EFFECTIVE DATE: September 19, 2006, 07:30 A.M.

The form of Policy or Policies of title insurance contemplated by this report is:

1. THE ESTATE OR INTEREST IN THE LAND HEREINAFTER DESCRIBED OR REFERRED TO COVERED BY THIS REPORT IS:

A Fee
2. TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS VESTED IN:

Brush Street Group, subject to Item No. 7.
3. THE LAND REFERRED TO IN THIS REPORT IS DESCRIBED AS FOLLOWS:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

MQ\MH 10/05/2006

EXHIBIT B

LEGAL DESCRIPTION

EXHIBIT "A"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

LOTS 9, 10, 11, 12, 13, 14, 15, 16, 17 AND 18, BLOCK 97, KELLERSBERGER'S MAP OF OAKLAND, FILED September 2, 1853, MAP BOOK 7, PAGE 3, ALAMEDA COUNTY RECORDS.

EXCEPTING THEREFROM, THAT PORTION OF LOTS 9 AND 10 CONVEYED BY CENTRAL PACIFIC RAILWAY COMPANY, A CORPORATION, AND SOUTHERN PACIFIC COMPANY, A CORPORATION, TO CITY OF OAKLAND, BY DEED DATED July 19, 1915, RECORDED September 16, 1915, BOOK 2372 OF DEEDS, PAGE 238, ALAMEDA COUNTY RECORDS.

APN: 001-0223-002-01