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OAKLAND

APPROVED AS TO FORM AND LEGALITY:

2005 JUN 16 PM 9:11

  
Agency Counsel

**REDEVELOPMENT AGENCY  
OF THE CITY OF OAKLAND**

RESOLUTION NO. 2005-0042 C.M.S.

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**A RESOLUTION AUTHORIZING A LEASE FROM CALTRANS AND A  
PARKING OPERATIONS AGREEMENT WITH THE ALLIANCE FOR WEST  
OAKLAND DEVELOPMENT AND 7<sup>TH</sup> STREET COMMUNITY PARTNERS,  
LLC, FOR THE BLOCK BOUNDED BY 5<sup>TH</sup>, 7<sup>TH</sup>, KIRKHAM AND UNION  
STREETS IN WEST OAKLAND**

**WHEREAS**, the California Department of Transportation ("Caltrans") owns a 2.76 acre site within the West Oakland Redevelopment Project Area on the block bounded by 5<sup>th</sup>, 7<sup>th</sup>, Kirkham and Union Streets (the "Caltrans Property"); and

**WHEREAS**, Caltrans has offered the Caltrans Property for lease or sale to the Redevelopment Agency and other public entities under the Surplus Lands Act; and

**WHEREAS**, the Agency, Caltrans, and 7<sup>th</sup> Street Community Partners, LLC, a limited liability company made up of Aegis Equity Partners and the Alliance for West Oakland Development, have been discussing the terms of development of the Caltrans Property; and

**WHEREAS**, Caltrans and 7<sup>th</sup> Street Community Partners have proposed leasing and operating the Caltrans Property for public parking in the interim while the terms of the development project are negotiated; and

**WHEREAS**, California Health and Safety Code Section 33391 authorizes a redevelopment agency to lease real property within a project area, and Section 334000 authorizes a redevelopment agency manage and operate real property; now, therefore, be it

**RESOLVED:** That the Agency hereby authorizes the Agency Administrator to negotiate and enter into a lease with Caltrans for the Caltrans Property; and be it further

**RESOLVED:** That the lease shall be for an initial term of 12 months, with an option on the part of the Agency Administrator to extend this period for up to 12 additional months; and be it further

**RESOLVED:** That the Agency will pay rent to Caltrans under the lease in the amount of \$5,000 per month, plus additional rent in the amount of any additional net operating income generated by the parking operations during the lease term that exceeds \$6,000 per month with an accounting at the end of the lease term of the net income during the term; and be it further

**RESOLVED:** That as part of the lease, Caltrans will grant the Agency an option to purchase the Caltrans Property at its appraised fair market value minus the cost of cleanup of the Caltrans Property to high density residential standards; and be it further

**RESOLVED:** That the Agency hereby authorizes the Agency Administrator to negotiate and enter into a operating agreement with the Alliance for West Oakland Development and 7<sup>th</sup> Street Community Partners providing for the Alliance to operate a fee public parking lot on the Caltrans Property; and be it further

**RESOLVED:** That the operating agreement shall be for an initial term of 12 months, with an option on the part of the Agency Administrator to extend this period for up to 12 additional months; and be it further

**RESOLVED:** That the operating agreement will provide that the Alliance as *operator will receive 30% of the gross revenues from parking operations as its operating fee*; and be it further

**RESOLVED:** That an operating payment of \$6,000 per month will be paid to the Agency from 7<sup>th</sup> Street Community Partners, plus an additional payment in the amount of any additional net operating income generated by the parking operations during the operating agreement term that exceeds \$6,000 per month with an accounting of the net income at the end of the term and deposited into (Fund 9590), West Oakland Redevelopment Operations; and be it further

**RESOLVED:** That the lease and operating agreement shall be reviewed and approved as to form and legality by Agency Counsel prior to execution; and be it further

**RESOLVED:** That the Agency finds and determines, after independent review and consideration, that this action complies with the California Environmental Quality Act ("CEQA") because it is exempt from CEQA pursuant to Section 15061(b)(3) (general rule) of the CEQA Guidelines; and be it further

**RESOLVED:** That the Agency Administrator or her designee shall cause to be filed with the County of Alameda a Notice of Exemption for this action; and be it further

**RESOLVED:** That the Agency Administrator is further authorized to take whatever action is necessary with respect to the lease and the operating agreement consistent with this Resolution and its basic purposes.

IN AGENCY, OAKLAND, CALIFORNIA, JUL 19 2005, 2005


**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