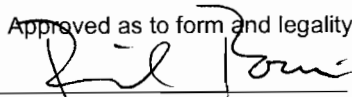


FILED
OFFICE OF THE CITY CLERK
OAKLAND

2009 SEP -3 AM 9:08

Approved as to form and legality:


Agency Counsel

**REDEVELOPMENT AGENCY
OF THE CITY OF OAKLAND**

RESOLUTION NO. 2009 - 0083 C.M.S.

**RESOLUTION AUTHORIZING AND APPROPRIATING A
CONTRIBUTION OF REDEVELOPMENT AGENCY FUNDS TO
THE CITY UNDER THE COOPERATION AGREEMENT IN THE
AMOUNT OF \$92,000 FOR THE CONSTRUCTION OF THE HALL
OF PIONEERS CHINESE GARDEN IMPROVEMENT PROJECT**

WHEREAS, the Redevelopment Agency wishes to fund design and construction of the Hall of Pioneers Chinese Garden Improvement Project, a substandard public park located in the Central District Redevelopment Project Area; and

WHEREAS, the City of Oakland and Redevelopment Agency are implementing the 2009-2011 Agency Budget for the Central District Redevelopment Project, including the Hall of Pioneers Chinese Garden Improvement Project to encourage public use of the park, to address the needs of the parks, and complement and enhance economic development efforts for the Central District Project Area; and

WHEREAS, the City and the Redevelopment Agency entered into a Cooperation Agreement on July 1, 2004, which generally governs the provision of assistance and the payment of funds between the two agencies, including Redevelopment Agency financial contributions and other assistance to support City public improvements; and

WHEREAS, Section 33445 of the California Health and Safety Code authorizes a redevelopment agency to pay for the installation cost or construction of publicly-owned facilities, including facilities outside of a project area, if the legislative body has consented to such funding and has made certain findings; and

WHEREAS, the City Council is consenting to the use of Agency funding for the Hall of Pioneers Chinese Garden Improvement Project pursuant to Section 33445 of the California Health and Safety Code; now, therefore, be it

RESOLVED: That the Agency Administrator is authorized to contribute an amount not to exceed \$92,000, including contingency, under the Cooperation Agreement to the City of

Oakland for the construction of Hall of Pioneers Chinese Garden Improvement Project (Project No.P338510); and be it

FURTHER RESOLVED: That the Redevelopment Agency Funds will be appropriated from Redevelopment Agency Fund (9532), CEDA, Capital Improvement Project Organization (94800), Redevelopment Central District Project (T314520), Contract Contingency Account (54011) to the City for the construction of Hall of Pioneers Chinese Garden Improvement Project; and be it

FURTHER RESOLVED: That the Agency contribution is appropriated with contingency funding up to a total amount of \$92,000 as set forth in the 2009-11 Redevelopment Budget; and be it

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

1. That the funding of the Hall of Pioneers Chinese Garden Improvement Project will benefit the Central District Redevelopment Project Area by installing needed park improvements, including new recreational facilities and vegetation, removing contaminated soils, and otherwise alleviating substandard park conditions, which will benefit residents, business owners and property owners in the Central District who are the principal users of the park;
2. That due to fiscal constraints on the City's general fund and the high number of capital projects competing for limited City funds, the City's Capital Improvement Program ("CIP") funds have been unable to provide financing for the Hall of Pioneers Chinese Garden Improvement Project in the period 2009-2011, and therefore no other reasonable means of financing the Hall of Pioneers Chinese Garden Improvement Project is available to the City other than Redevelopment Agency funding;
3. That the use of tax increment funds from the Central District Project Area for the Hall of Pioneers Chinese Garden Improvement Project will assist in the elimination of blight in the Central District by remediating contaminated property and otherwise improving a substandard park facility in the Central Redevelopment Project Area; and
4. That the use of tax increment funds from the Central District Redevelopment Project Area for the Hall of Pioneers Chinese Garden Improvement Project is consistent with the implementation plan adopted for the Central District Redevelopment Project Area; and be it

FURTHER RESOLVED: That the Agency Administrator or his designee is hereby authorized to take whatever action is necessary with respect to the Hall of Pioneers Chinese Garden Improvement Project consistent with this Resolution and its basic purpose.

IN AGENCY, OAKLAND, CALIFORNIA, SEP 22 2009, 2009

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, ~~DE LA FUENTE~~, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, AND
CHAIRPERSON BRUNNER - 7

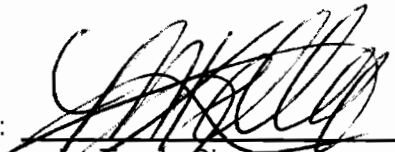
NOES- 0

ABSENT- 0

ABSTENTION- 0

Excused - De La Fuente - 1

ATTEST:


La Tonda Simmons
Secretary, Redevelopment Agency
of the City of Oakland, California