

B. M. Miller

**REDEVELOPMENT AGENCY
OF THE CITY OF OAKLAND**

OFFICE OF THE CITY CLERK
OAKLAND

2004 SEP -1 PH 5: 04

Resolution No. _____ C.M.S.

RESOLUTION AUTHORIZING THE OAKLAND REDEVELOPMENT AGENCY TO PURCHASE REAL PROPERTIES KNOWN AS THE HOTEL WESTERNER, LOCATED AT 1920 SAN PABLO AVENUE (ASSESSOR'S PARCEL NO. 008-0643-006), 1954 SAN PABLO AVENUE (ASSESSOR'S PARCEL NO. 008-0644-021), AND 610 WILLIAM STREET (ASSESSOR'S PARCEL NO. 008-0644-020) TOGETHER WITH THE PURCHASE OF FURNITURE, FIXTURES, AND EQUIPMENT PERTAINING TO THE REAL PROPERTY FOR THE TOTAL SUM OF \$1,530,570, PLUS CLOSING COSTS NOT TO EXCEED \$69,430, FOR A TOTAL COST NOT TO EXCEED \$1,600,000.

WHEREAS, the real property located at 1920 San Pablo Avenue (Assessor's Parcel No. 008-0643-006), 1954 San Pablo Avenue (Assessor's Parcel No. 008-0644-021), and 610 William Street (Assessor's Parcel No. 008-0644-020), the legal descriptions of which are attached as Exhibit "A", along with the furniture, fixtures and equipment located on the Property (collectively the "Property") is situated within the Uptown Project area; and

WHEREAS, David M. Smith and Florence Smith, Trustees of the Smith Family Trust dated August 18, 1998, as to an undivided 1/3 interest, and Beatrice Feldstein, as to an undivided 1/3 interest, and Kenneth D. Feldstein, Trustee of the Trust of Kenneth and Nancy Feldstein, dated November 20, 2003, as to an undivided 1/3 interest, are the owners of the abovementioned parcels (collectively "Seller"), and wish to sell the Property to the Redevelopment Agency of the City of Oakland (the "Agency") to assist the Agency in its redevelopment efforts in the Uptown Redevelopment Project area; and

WHEREAS, the Agency wishes to acquire the Property for landbanking purposes and funding is available from Central District Capital Budget (Fund 9516, Org. 94800, Project P221530); and

WHEREAS, environmental assessments performed on the Property identified minimal potential site specific environmental liabilities that are acceptable to the Agency; and

WHEREAS, because of the minimal potential site specific environmental risks, the Agency is willing to indemnify the Seller for environmental liabilities related to the Property as described in the accompanying agenda report for this matter; and

WHEREAS, the Agency has previously appropriated funds necessary to relocate the occupants of the Property as required by law; and

WHEREAS, the Agency has negotiated the Purchase and Sales Agreement of the Property whereby the Seller will sell and the Agency will hold the Seller harmless for hazardous materials in subsurface and above ground improvements, and will acquire the Property in an "as is" condition for \$1,530,570, plus closing costs not to exceed \$69,430; now therefore be it

RESOLVED: That the Agency hereby finds and declares that the requirements of the California Environmental Quality Act (CEQA) of 1970, the State CEQA Guidelines, and the City CEQA Procedures have been satisfied, and that a focused Environmental Impact Report (EIR) was prepared and certified for the proposed Uptown Project in 2004, and the Agency relied upon the previously approved environmental documents; and be it

FURTHER RESOLVED: That the Agency hereby authorizes and directs the Agency Administrator to execute a Purchase and Sales Agreement for the purchase of the Property for \$1,530,570, including a provision whereby the Agency indemnifies the Seller for environmental liability as described in the agenda report for this item, plus closing costs not to exceed \$69,430; and be it

FURTHER RESOLVED: That the funds for the acquisition of the Property and closing costs are available from Fund 9516, Org. 94800, Account 57211, Project P221530; and be it

FURTHER RESOLVED: That the Agency Administrator is authorized and directed to take any and all actions necessary to complete the transfer and acceptance of title to the Property on behalf of the Agency; and be it

FURTHER RESOLVED: That the Agency Administrator or her designee is authorized to take all actions necessary to carry out the intent of this Resolution and to complete the transaction; and be it

FURTHER RESOLVED: That the Agency Counsel shall review and approve as to form and legality all documents and agreements necessary to purchase the Property.

IN AGENCY, OAKLAND, CALIFORNIA PASSED BY THE FOLLOWING VOTE:

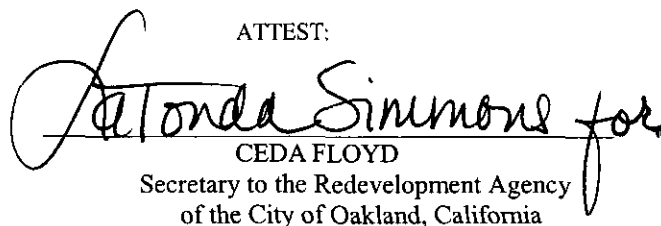
SEP 21 2004

AYES- BROOKS, BRUNNER, CHANG, NADEL, REID, ~~QUAN~~, WAN, AND CHAIR PERSON DE LA FUENTE — 7

NOES- 0
ABSENT- 0
ABSTENTION- 0

Excused - Quan - 1

ATTEST:

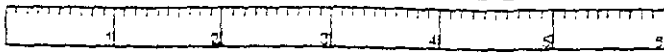

CEDA FLOYD
Secretary to the Redevelopment Agency
of the City of Oakland, California

I hereby certify that the foregoing is a full, true and correct copy of a
Resolution passed by the **Redevelopment Agency** of the City of Oakland
on **SEP 21 2004**


CEDA FLOYD

CITY CLERK AND CLERK OF THE REDEVELOPMENT AGENCY

PER _____ DEPUTY



ASSESSOR'S MAP 8

Code Area No. 17-022

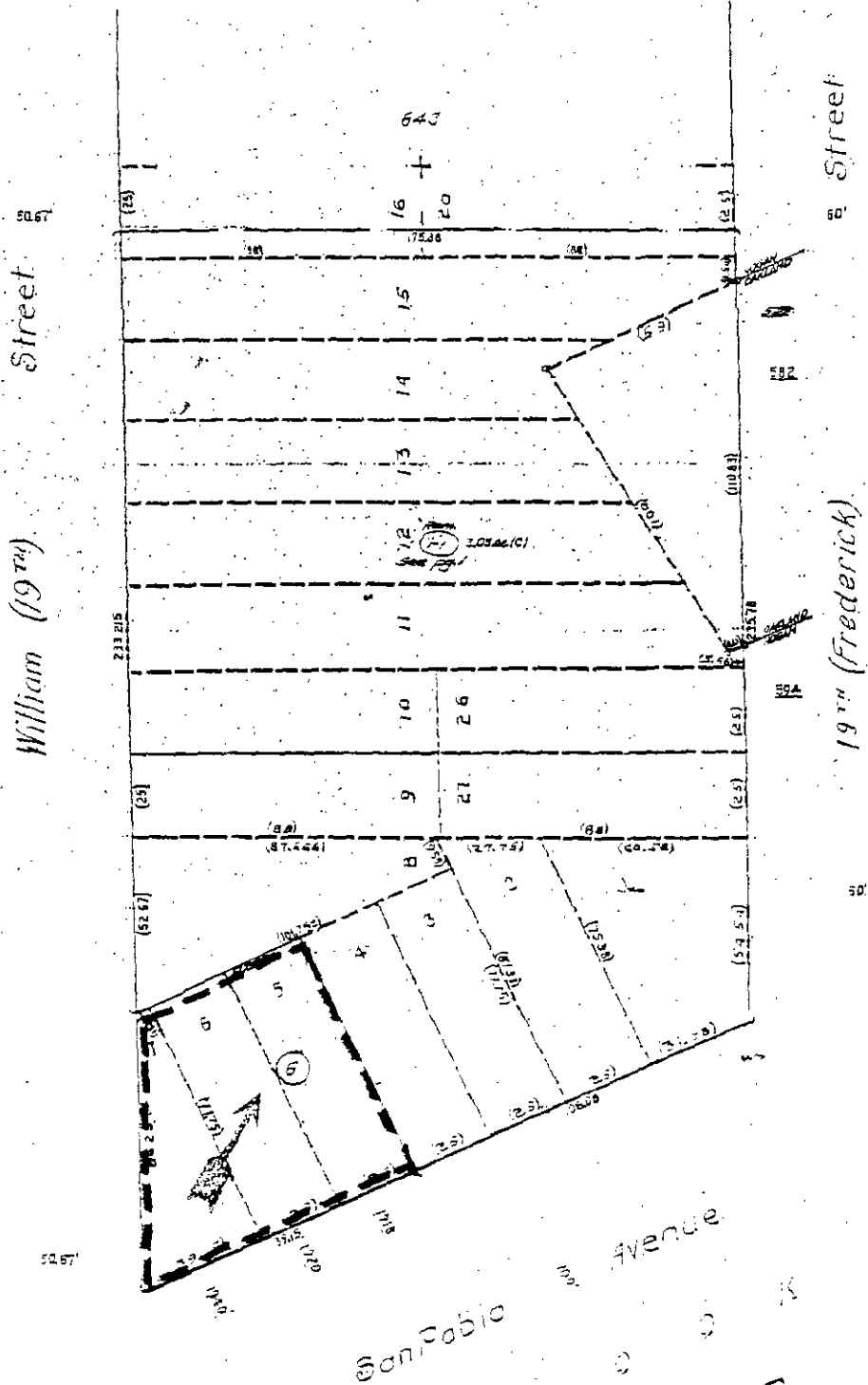
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Map of Oakland and vicinity, showing plan of Streets
as established and proposed; compiled from official
Surveys and records of the County, as per W.F. Boardman,
City and County Surveyor (Bk. 17, Pg. 14)

Page 2

Map of the Hogan Tract (Bk. 2 Pg. 2)
Scale 1 in = 50 ft.

EXHIBIT 'A'



NOTICE

THIS MAP MAY OR MAY NOT BE A SURVEY OF THE LAND DE-
Picted HEREON. IT IS NOT TO BE RELIED UPON FOR ANY
PURPOSE OTHER THAN ORIENTATING ONE'S SELF AS TO THE
GENERAL LOCATION OF THE PARCEL OR PARCELS OF INTEREST.
FIRST AMERICAN TITLE COMPANY ASSUMES NO LIABILITY FOR
LOSS OR DAMAGE RESULTING FROM RELIANCE THEREON.

Map 3 of 16

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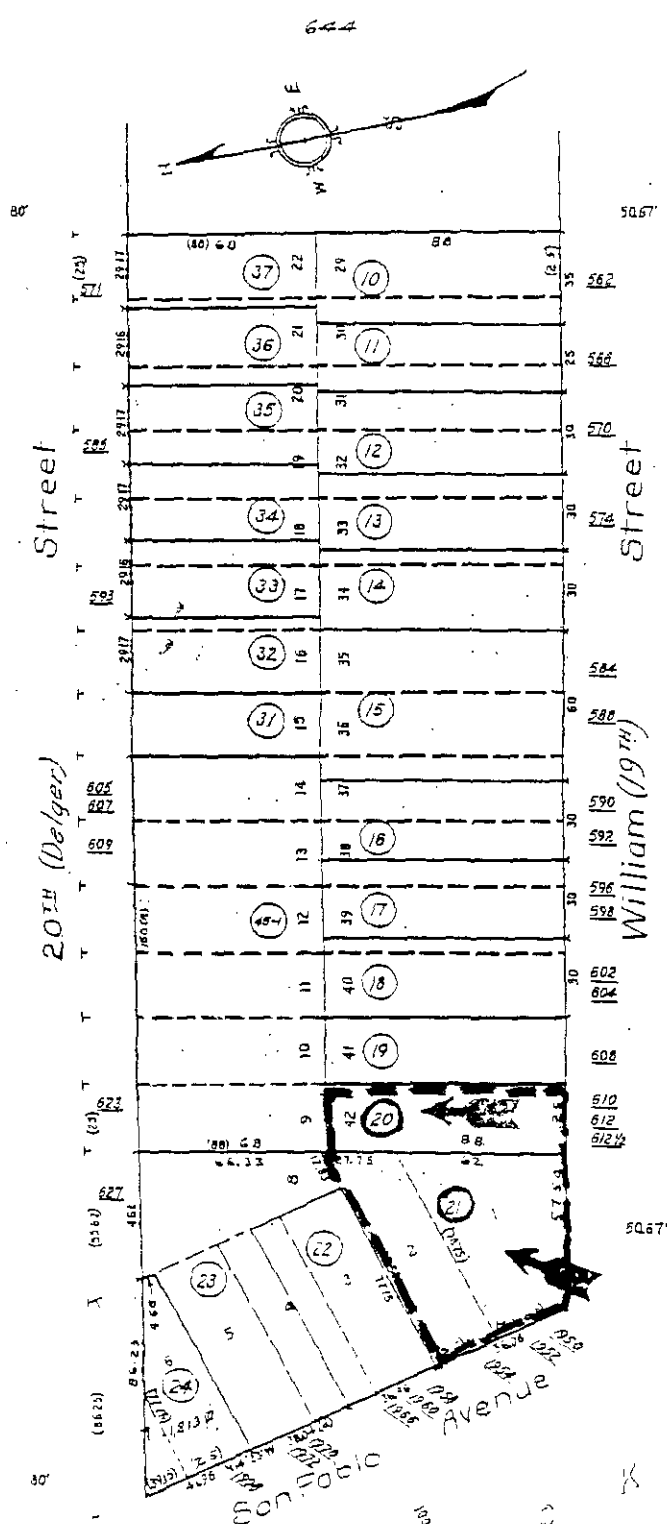
642

ASSESSOR'S MAP B

Map of the Hogan Tract (3k2 Pg. 2)
Scale 1 in = 40 ft.

544
2002
Page 2

REVISED 11/27/01
4-1-0200
3-11-0100



NOTICE

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LEGAL DESCRIPTION

Real property in the City of Oakland, County of Alameda, State of California, described as follows:

PARCEL ONE:

Beginning at a point on the Eastern line of San Pablo Avenue, distant thereon one hundred six feet, one inch, Northerly from the point of intersection thereof with the Northern line of 19th Street, formerly Frederick Street; running thence Northerly along said line of San Pablo Avenue, Fifty feet; thence at right angles Easterly, Seventy-Seven feet, Nine inches; thence Southerly and parallel with San Pablo Avenue, Fifty feet; and thence at right angles Westerly, Seventy-Seven feet, Nine inches, to the point of beginning.

Being Lots Numbered 5 and 6, in Block Numbered 2001, as said Lots and Block are delineated and so designated upon that certain Map entitled "Hogan Tract" etc., filed June 19, 1876, in the Office of the County Recorder of Alameda County.

APN: 008-0643-006 (portion)

PARCEL TWO:

Beginning at a point on the Northeasterly line of San Pablo Avenue, distant thereon Northwesterly One Hundred Fifty-Six (156) feet One (1) inch from the point of intersection thereof with the Northerly line of 19th Street, formerly Frederick Street, as said avenue and street are shown on the map hereinafter referred to; running hence at right angles Northeasterly Seventy-Seven (77) feet, Nine (9) inches; running thence at right angles Northwesterly Two (2) feet, Six (6) inches to a point on the Southerly line of William Street, formerly 19th Street, as said street is shown on said map hereinafter referred to; running thence Westerly along said line of William Street Eighty-Six (86) feet, Three (3) inches to the said Northeasterly line of San Pablo Avenue; running thence Southeasterly along said line of San Pablo Avenue Thirty-Nine (39) feet, One and three-fourths (1-3/4) inches to the point of beginning.

Being Lot No. 7 in Block No. 2001, as said lot and block are delineated and so designated upon that certain map entitled "Hogan Tract, Oakland, Alameda County, State of California", filed June 19, 1876, in Liber 2 of Maps, Page 2, in the Office of the County Recorder of said Alameda County.

APN: 008-0643-006 (remainder)

PARCEL THREE:

Lot 42, in Block 2002, as said Lot and Block are shown on the Map of "Hogan Tract", Alameda County, California", filed June 19, 1876, in Book 2 of Maps at Page 2, in the office of the County Recorder of Alameda County.

APN: 008-0644-020

PARCEL FOUR:

Lots 1 and 2, in Block 2002 as said Lots and Block are delineated and so designated upon that certain Map entitled, "Hogan Tract, Oakland, Alameda County, State of California", filed June 19, 1876, in Liber 2 of Maps, Page 2, in the office of the County Recorder of Alameda County.

APN: **008-0644-021**