

REDEVELOPMENT AGENCY

CITY OF OAKLAND

Agency Agenda Report

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2005 JUN -2 AM 10:18

To: Office of the Agency Administrator
Attn: Deborah Edgerly
From: Community and Economic Development Agency
Date: June 14, 2005

RE: A RESOLUTION AUTHORIZING THE AGENCY ADMINISTRATOR TO NEGOTIATE AND EXECUTE AN EXCLUSIVE NEGOTIATING AGREEMENT WITH THE OAKLAND ECONOMIC DEVELOPMENT CORPORATION, A CALIFORNIA NOT FOR PROFIT DEVELOPMENT CORPORATION TO PURSUE THE DEVELOPMENT OF A TRANSIT VILLAGE AT THE COLISEUM BART STATION AND TO CONTRIBUTE UP TO \$25,000 TO FUND OAKLAND ECONOMIC DEVELOPMENT CORPORATION'S EXCLUSIVE NEGOTIATING FEE WITH THE SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

SUMMARY

Staff has requested approval of a resolution authorizing the Agency Administrator to negotiate and execute an Exclusive Negotiating Agreement (ENA) with the Oakland Economic Development Corporation (OEDC) to pursue the planning and development of a transit village at the Coliseum BART Station.

The proposed Exclusive Negotiating Agreement with OEDC is for a period of eighteen months and will provide for the evaluation of project feasibility and the initiation of the environmental review process. In addition, the proposed ENA will include an option for the Agency Administrator to extend the ENA following the completion of all of the required submittals to cover the period until the environmental review is complete.

FISCAL IMPACTS

Authorization to enter into an ENA with OEDC would allow the Agency to contribute up to \$25,000 towards pre-development costs. Funds would come from the Redevelopment Agency's Coliseum Tax Allocation Bond Series, Entity 5, Fund 9453, Org 94800. As part of the ENA, the Agency may be required to conduct predevelopment work at the proposed site.

The predevelopment work may include appraisals, feasibility reports and the securing of a consultant to prepare a joint Environmental Impact Report/Environmental Impact Statement (EIR/EIS). Any Agency participation in the funding of these or any other development related

Item _____
CED Committee
June 14, 2005

activities would be presented to this review/approval body once it has been determined what level of financial commitment is required by the Agency.

BACKGROUND

In March 2000, BART and the City of Oakland (City) entered into a Memorandum of Understanding (MOU) to cooperatively fund and develop a concept plan that would promote transit-oriented development at the Coliseum BART Station. In 2001, a draft Coliseum/Oakland Airport BART Station Area Concept Plan (Concept Plan) was completed. The Concept Plan provides a long-term land use vision for development of the area surrounding the Coliseum BART Station. The vision includes a concentration of residential and mixed-use commercial development designed to take advantage of the transit hub improvements and other public investments in the area. The Concept Plan also supports the objectives identified in BART's Strategic Plan, the Oakland Redevelopment Agency's Coliseum Area Redevelopment Plan and the City's General Plan.

In October 2002, the Agency was awarded a grant from the California Pollution Control Financing Authority ("CPCFA") Sustainable Communities Grant and Loan Program of up to \$303,000 to conduct predevelopment studies of the Coliseum Transit Village, consisting of a market study, financial feasibility analysis, and financing plan.

In June 2003, as a way of formalizing the planning process and to continue moving the project forward, the City Council approved a resolution to accept the Coliseum BART Transit-Oriented Development Concept Plan and directed staff to support the implementation of the Concept Plan.

In February 2004, the Agency and BART signed an MOU to further pursue the Concept Plan, and review the development potential of a Transit Village at the Oakland Coliseum BART Station.

In May 2004, using state grant funds from the CPCFA, the Agency and BART signed a Work Directive for Phase I which authorized a consultant team to begin predevelopment studies to explore a range of development programs that can be pursued and conduct preliminary feasibility and market analysis. The predevelopment studies consist of development programming, market analysis, traffic analysis, cost estimates, feasibility analysis, impact and mitigation assessments, and the creation of financing and implementation strategies for the Transit Village and the BART parking replacement.

In July 2004, the BART Board of Directors authorized a proposal to pursue an Exclusive Negotiating Agreement between BART and the Oakland Economic Development Corporation (OEDC). Based on the BART agreement with OEDC to pursue development of the site, OEDC has proposed entering into an ENA with the Agency. This ENA would be required to memorialize the roles and responsibilities under this negotiating period as well as the Agency's responsibilities.

Staff's rationale for this recommendation presented in the following sections of this report:

OEDC is a 501 (c) (3) tax exempt, not-for-profit corporation. OEDC is governed by a Board of Directors with economic development expertise from the business, government, non-profit and community sectors of Oakland. The mission of OEDC is to improve the quality of life in East Oakland placing special emphasis on African-American residents, through the identification and development of real estate opportunities. The executive staff of OEDC consists of the following individuals:

- James Head, Executive Director. Mr. Head has over 25 years of experience as a lawyer, manager, and consultant in community and economic development projects. For the last 17 years, Mr. Head has been President of the National Economic Development and Law Center, a national technical assistance provider. NEDLC's local clients include the Unity Council of Fruitvale and the East Bay Asian Local Development Corporation.
- Clint Bolden, Consultant and Advisor to OEDC. Mr. Bolden has over 30 years of experience in directing and managing economic development efforts and has served as the *Director of Economic Development and Redevelopment for Oakland and Richmond, California*, as well as San Antonio, Texas.
- Ralph Grant, Treasurer. Mr. Grant is a partner with Grant & Smith, a certified public accounting and management consulting firm located in Oakland that provides tax, accounting, audit and management advisory assistance to government entities, professionals, small businesses and not-for-profit organizations for over 25 years.
- William Taylor, Esq., Legal Counsel. Mr. Taylor is managing partner of Taylor & Goins, and has over 20 years of experience in real estate development in the East Bay.

Concurrently, OEDC has been working together with BART on finalizing their Exclusive Negotiating Agreement in order to assess the possibility of developing the Coliseum BART Station property. Together, they will determine the feasibility of the project based on negotiations of the terms for an OEDC long-term ground lease or the purchase of the BART property for development by OEDC.

Most recently, OEDC has executed a Memorandum of Understanding with MacFarlane Partners, a leading minority-owned real estate investment management and development firm, with \$1.3 billion in investor equity and \$6 billion in real estate assets. This MOU identified MacFarlane Partners as the fee developer for the Coliseum Transit Village project. The firm was founded in 1987 by Victor B. MacFarlane. Primarily the company focuses its investments in development and redevelopment projects in central cities and urban infill areas, as well as along public-transit corridors. MacFarlane Partners emphasis is on affordable multifamily housing and mixed use residential projects, either through joint ventures with other developers or acting as its own development entity. MacFarlane Partners is headquartered in San Francisco, with regional offices in Southern California and the greater New York metropolitan area. MacFarlane Partners development experience includes:

Active equity investment in:

-
- Battery Park City Block, New York City. Twenty-four story high-rise project, consisting of 274 apartment units, 5,500 square feet of ground floor retail and underground parking. Joint venture with The Related Companies on a site subject to a 65-year ground lease. Completion expected in 2005.
 - Meridian Apartments at The Crossing, San Bruno, California. Five-story residential project with 300 units, with 20% of the units designated as very low income. Joint venture with TMG Partners and Sares-Regis. Completion in 2005.
 - Metropolitan Lofts, Los Angeles, California. Eight story, mid-rise, mixed-use project, consisting of 264 apartment units, 11,000 square feet of ground-floor retail, and an attached parking garage. Twenty percent of the apartment will be designated as very low income units. Joint venture with Forest City Enterprises on a site subject to a long-term ground lease. Completion expected in 2005.
 - Second & Central/Little Tokyo, Los Angeles, California. Six story, mid-rise, mixed –use project, consisting of 128 apartment units, 12,500 square feet of ground-floor retail, and an underground parking garage. Twenty percent of the units will be designated as very low income units. Joint venture with The Related Companies. Completion expected in 2005.

Active development in:

- Bay Street Emeryville, Emeryville, California. Mixed-use urban village, with 284 apartment units and 95 condominium units above 365,000 square feet of retail. MacFarlane Partners responsible for residential component, with 20% of the apartment units designated as very low income units. Retail component, by Madison Marquette Realty Services, is 83% leased (AMC Theatres, Abercrombie & Fitch, Banana Republic, etc.); residential component under construction.
- Holly West Promenade, Los Angeles, California. Mixed-use project consisting of 100 senior housing units and 121,000 square feet of retail, with all senior housing units designated as very low income. The project was completed in 2002 and was sold in 2003 (retail component sold for \$30.5 million and residential component sold for \$15.9 million).
- Ladera Shopping Center, Los Angeles, California. 187,000 square foot rehabilitation of existing shopping center completed in 2002 with increased number of minority vendors.

The design concepts for the Coliseum BART property range from 400 to 800 units of housing and 10,000 to 30,000 square feet of retail. The development concepts will be refined during Phase 2 of the feasibility analysis funded through the California Pollution Control Financing Authority Sustainable Communities Grant and Loan Program.

OEDC's separate ENA with BART is exclusively a two party agreement. The Agency's ENA memorializes the Agency's as well as OEDC's roles and responsibilities under this proposed negotiating period (See Term Sheet Attachment). As a condition of this ENA, OEDC has passed on its cost to exclusively negotiate with BART for the development of the property. If the

Council authorizes an Exclusive Negotiating Agreement with OEDC, the following issues will be addressed:

- Further negotiations in order to define the ultimate relationship between the Agency and OEDC.
- Secure evidence that requisite funding has been obtained to ensure that a project can be built.
- In partnership with BART, OEDC and Agency staff will conduct due diligence efforts to ensure that a proposed project represents the highest and best use of subject property and would fulfill the Agency's joint development objectives to the maximum extent feasible.
- Conduct further discussions with BART to clarify their support for a mixed-use project and to determine activities and a schedule to secure BART's formal approval for a project.

Staff is requesting Council authorization to enter into an ENA with OEDC. Presuming a viable project is identified, staff will return to Council for approval of the final development proposal. The City Attorney's Office will approve the ENA as to form and content.

KEY ISSUES AND IMPACTS

The Exclusive Negotiating Agreement between the Agency and OEDC is for the purpose of determining the capacity of OEDC to deliver on the project and for studying and evaluating the feasibility of the development of a transit village at the Coliseum BART station. Staff has included a draft ENA (attachment "A") that will be reviewed and approved by OEDC. In order to assist the review and approval process of the required submittal items, the Agency and BART have agreed to negotiate and manage two distinct and parallel ENA agreements. Some of the key concurrent tasks that will be included in the agreement are:

- OEDC will submit a project description suitable for the environmental review process that includes site plans, elevations, proposed project scaling and circulation, and interim replacement parking strategies for the existing BART surface parking. The project description will be reviewed by the Agency and BART, and will be presented to the community for review and comment prior to being finalized.
- OEDC will develop a project pro forma to evaluate the financial feasibility of the project that will include an analysis of the need for financial assistance from the Agency and grant funds from alternative funding sources.
- The Agency will authorize work to begin on a consultant contract to complete an EIR/EIS for the project.

The Exclusive Negotiating Agreement will be for a period of eighteen months terminating in December 2006. The ENA will include an extension option, subject to the Agency Administrator's discretion or her designee's, which will cover the period until the EIR/EIS document is certified.

In addition, there is an opportunity through grant funds obtained by the City in 2001 from the Economic Development Administration for the Oakland Industrial Corridor Brownfields

Redevelopment Project (see Council Agenda report of October 16, 2001). The grant was extended through February 28 2006. Staff proposes to provide grant funds in an amount up to \$50,000 towards the costs of the environmental site assessment (Phase I and or Phase II) for this project. In addition, staff will be researching the possibilities of applying in the 2005-2006 cycle of the Housing & Urban Development's Brownfields Economic Development Initiative (BEDI) program which is paired with an application for Section 108 Loan funds. The combined BEDI and Section 108 funds are used for land write-downs, site remediation costs, funding reserves, collateral for Section 108 loan funds, direct enhancement of security for Section 108 loan funds, and for certain provisions of financing for-profit businesses located within the development project at below-market rates. This OEDC project would qualify to apply for BEDI funds based the location of the project within a low and moderate-income community, the potential for elimination of blight, and the potential of the project to address urgent community needs for revitalization, including additional job generation. The next cycle of BEDI grant applications will be due in early Summer 2006. Staff will return to Council with individual resolutions for each of these projects should they decide to apply for these funds.

SUSTAINABLE OPPORTUNITIES

Potential economic benefits would include an increased housing stock, new permanent jobs from new commercial development, and increased tax revenue to the City. Environmental benefits would include the creation of a more sustainable smart growth urban land use patterns and increased mass transit ridership. The use of green sustainable design features will be promoted and encouraged should the Agency determine that a Disposition and Development Agreement is appropriate. Finally, the project will make a dramatic improvement to a social and economic disadvantaged community.

DISABILITY AND SENIOR CITIZEN ACCESS

The authorization of the ENA will have no impact on disability and senior citizen access. Any future developments on the site will be required to comply with state and federal accessibility requirements, including Federal ADA Accessibility Guidelines, the Fair Housing Act and the State of California's Title 24 Accessibility Regulations.

RECOMMENDATION AND RATIONALE

Staff recommends Council approve the attached resolution to:

- a. authorize the Agency Administrator to negotiate and execute an Exclusive Negotiating Agreement (ENA) with the Oakland Economic Development Corporation (OEDC),
- b. pursue the planning and development of a transit village at the Coliseum BART Station,
- c. allow an ENA with OEDC for a period of eighteen months and provide for the evaluation of project feasibility and the initiation of the environmental review process,
- d. authorize Agency expenditure of \$25,000 to OEDC to fund their exclusive negotiating fee with BART,
- e. recommend that the proposed ENA include an option for the Agency Administrator or her designee to extend the ENA following the completion of all required submittals to cover the period until the environmental review is complete

Oakland International Airport to the Alameda County Coliseum Complex. The project also meets the City Council Budget Priorities to renew infrastructure and remove physical blight.

ACTION REQUESTED OF THE CITY COUNCIL/REDEVELOPMENT AGENCY

Staff recommends approval of the attached resolution authorizing the Agency Administrator to negotiate and execute an Exclusive Negotiating Agreement with the Oakland Economic Development Corporation to pursue the planning and development of a transit village at the Coliseum BART Station and authorizing the expenditure of \$25,000 to OEDC for pre-development costs associated with the Coliseum Transit Village. The proposed Exclusive Negotiating Agreement with OEDC is for a period of eighteen months and will provide evaluation of project feasibility and the initiation of the environmental review process. Furthermore, the proposed ENA will include an option for the Agency Administrator or her designee to extend the agreement following the completion of all of the required submittals to cover the period until the environmental review is complete.

Respectfully submitted,



Dan Vanderprieem
Director of Redevelopment, Economic
Development and Housing and Community
Development

Reviewed by:
Gregory Hunter, Manager
East Oakland Redevelopment

Prepared by:
Larry Gallegos, Project Manager
CEDA Redevelopment Division

APPROVED AND FORWARDED TO
THE COMMUNITY AND ECONOMIC
DEVELOPMENT COMMITTEE



OFFICE OF THE AGENCY ADMINISTRATOR

**Oakland Economic Development Corporation
Term Sheet
Revised Draft**

**June 14, 2005
Oakland CA**

1. ENA Period

- The initial Exclusive Negotiation Agreement (ENA) period will be for an 18 month period with a provision for the Agency Administrator to extend the ENA following the completion of all of the required submittals to cover the period until the environmental review is complete.

2. Project Budgets and Reports

- During the first 90 days of the ENA, Oakland Economic Development Corporation (to be known as "OEDC") will work with the Agency to prepare and complete budget studies and reports in effort to determine the feasibility of the project.

3. Planning and Cost Estimation for Development Plan and Replacement Parking

- OEDC shall be required to demonstrate that it has the financial capacity to fund the costs for consulting services needed to produce a residential and non-residential development plan feasibility study and budget for development and multiple replacement parking strategies for existing Bay Area Rapid Transit (BART) parking.
- Consulting contract, project scope, and fees must be mutually agreed upon by all parties in the ENA.
- Within 60 days of the date of the ENA OEDC will prepare and submit to the Agency a Planning and Cost Estimation budget for mutual agreement between Agency and OEDC.
- Within 6 months of the date of the ENA OEDC will develop a concept plan for both primary development site and replacement parking that is based on the most feasible development and replacement parking scenario under consideration.

4. Project Pro Forma

- Within 12 months of the date of the ENA OEDC shall be required to develop a project pro forma to evaluate the financial feasibility of the project that will

include an analysis of the need for financial assistance from the Agency and grant funds from alternative funding sources.

5. Environmental Impact Report (EIR)

- Within 90 days of the date of the ENA OEDC will prepare a budget for a project EIR.
- Within 12 months of the date of the ENA OEDC will complete EIR for the project.

6. Schedule of Performance

6.1 Project Team

Within 90 calendar days of the preparation of the project budget, OEDC shall submit to the Agency the following:

- a) A description of the specific financial structure and legal structure of the proposed development team. This shall include a written description of the specific and general roles, responsibilities, and obligations of OEDC, OEDC's board members or partners (if any), and any other entity participating in any legal entity established by OEDC for purposes of developing the Project. Additionally, the written description of roles, responsibilities, and obligations shall identify the principals and other personnel, to the extent identified, from each participating party by name, title or position, and areas of responsibility within the development entity.
- b) Copies of the latest publicly disclosed financial information on OEDC, and any partners who will participate with OEDC in development of the Property, and if any other entity will be participating in the legal entity established by OEDC for purposes of developing the Project, then OEDC shall furnish balance sheets and other financial information as may be available for such other entity.
- c) All documents related to OEDC's corporate status, including but not limited to articles of incorporation, by-laws, lists of members of board of directors, and proof of good legal standing.
- d) A detailed description, including references, of the Project development team's experience. The team shall cover at a minimum, the candidate architect, the candidate financial partners, and the candidate marketing and real estate firm for the proposed undertaking (e.g. if hotel, residential, retail, or other tenants/uses are proposed).

- e) A written statement concerning any litigation in which OEDC, OEDC's partners, or members (if any), that may have a materially adverse effect on OEDC's ability to develop the Project. OEDC shall provide to the Agency copies of any such litigation documents or filings in connection with such litigation within five (5) business days of the Agency's written request.

6.2. Project Economics and Feasibility

Within 90 calendar days of the preparation of the project budget OEDC shall submit:

- a) Detailed and itemized project pro formas that are linked to the phases and schedule for construction of the Project. Pro formas shall include a Project development budget, a statement describing the sources and uses of funds, a five-year cash flow analysis, and an annotated operating budget to a level of detail reasonably acceptable to the Agency.
- b) A copy of OEDC most recent public filings and other documentation verifying the working capital/line of credit referenced in the OEDC Project proposal to the Agency, and confirming the availability of such working capital/line of credit to OEDC for this Project.
- c) A reasonably detailed Project development schedule, which shall include construction and leasing/absorption of the Project's residential and nonresidential square feet (if applicable).
- d) A non-residential development plan for the Project if any non-residential is proposed. Said plan shall include the square footage of the space to be leased for non-residential use, the location of the leasable area within the Project, the type of tenant to be attracted to the non-residential space and a feasibility analysis for the proposed retail use.
- e) OEDC shall cooperate in the application process for any unforeseen grant or other fund raising opportunities if potentially beneficial to the Project.


5. Environmental Review and Planning Approvals

- a) Within sixty (60) calendar days of completion of feasibility study the Agency shall retain environmental consultants to prepare all necessary environmental documentation required to conduct environmental review under the California Environmental Quality Act ("CEQA") for the Project.

Deborah Edgerly
Re: OEDC

Attachment "A"

- b) Within thirty (30) calendar days of the completion of items 5(a) the applicant shall submit a project description suitable to initiate the environmental review process.
- c) Within two-hundred and seventy (270) calendar days of the completion of item 5(b) the applicant shall complete the EIR.

 2005 JUN -2 PM 12:49

Agency Counsel

REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND

RESOLUTION No. _____ C.M.S.

A RESOLUTION AUTHORIZING THE AGENCY ADMINISTRATOR TO NEGOTIATE AND EXECUTE AN EXCLUSIVE NEGOTIATING AGREEMENT WITH THE OAKLAND ECONOMIC DEVELOPMENT CORPORATION, A CALIFORNIA NOT FOR PROFIT DEVELOPMENT CORPORATION, TO PURSUE THE DEVELOPMENT OF A TRANSIT VILLAGE AT THE COLISEUM BART STATION AND TO CONTRIBUTE UP TO \$25,000 TO FUND OAKLAND ECONOMIC DEVELOPMENT CORPORATION'S EXCLUSIVE NEGOTIATING FEE WITH THE SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

WHEREAS, the City of Oakland is working to redevelop the Coliseum BART Station parking lot property into a transit village; and

WHEREAS, on March 2000, the San Francisco Bay Area Rapid Transit District (BART) and the City of Oakland (City) entered into an Memorandum of Understanding (MOU) to develop and fund a concept plan that would promote a transit oriented development at the Coliseum BART Station; and

WHEREAS, in 2001, the Coliseum/Oakland Airport BART Station Area Concept Plan (Concept Plan) was completed which is a long-term land use vision for development of the area surrounding the Coliseum BART Station; and

WHEREAS, in October 2002, the Redevelopment Agency (Agency) was awarded a grant from the California Pollution Control Financing Authority ("CPCFA") Sustainable Communities Grant and Loan Program of up to \$303,000 to conduct predevelopment studies of the Coliseum Transit Village; and

WHEREAS, in June 2003, as a way of formalizing the planning process and to continue moving the project forward, City Council approved Resolution No. 77875 C.M.S. to accept the Coliseum BART Station Area Concept Plan and directed staff to support the implementation of the Concept Plan; and

WHEREAS, in February 2004, BART and the City signed an MOU to pursue predevelopment studies by exploring the development potential of a transit oriented development at the Oakland Coliseum BART Station; and

WHEREAS, in May 2004, using state grant funds from the CPCFA, BART and the City signed a Work Directive for Phase I which authorized a consultant team to begin predevelopment studies to explore a range of development programs that can be pursued and conduct preliminary feasibility and market analysis; and

WHEREAS, in July 2004, the BART Board of Directors authorized a proposal to pursue an Exclusive Negotiating Agreement between BART and the Oakland Economic Development Council (OEDC); and

WHEREAS, the OEDC has recently executed an MOU with MacFarlane Partners, a leading minority-owned real estate investment management and development firm, with \$1.3 billion in investor equity and \$6 billion in real estate assets. MacFarlane Partners is headquartered in San Francisco, with regional offices in Southern California and the greater New York metropolitan area; and

WHEREAS, the Agency and the OEDC want to enter into a period of preliminary study and negotiations over the project proposal, and agree that this does not constitute a binding commitment on the part of the Agency to any developer or to participate in any project; now therefore be it

WHEREAS, the San Francisco Bay Area Rapid Transit District is requiring OEDC to pay an exclusive negotiating fee in order to execute their Exclusive Negotiating Agreement for the Coliseum BART Station; now therefore be it

RESOLVED: That the Agency Administrator is authorized to negotiate and enter into an Exclusive Negotiating Agreement with the OEDC for purposes of studying and evaluating the feasibility of, and negotiating terms and conditions for the potential development of a transit village at the Coliseum BART Station including, but not limited to, the following provisions:

- OEDC will submit a project description suitable for environmental review purposes that includes site plans, elevations, proposed project scaling and circulation, and interim replacement parking strategies for the existing BART surface parking;
- OEDC will develop a project pro forma to evaluate the financial feasibility of the project that will include an analysis of the need for financial assistance from the Redevelopment Agency and grant funds from other funding sources;
- The Agency will contribute up to \$25,000 from Coliseum Tax Allocation Bond Series, Entity 5, Fund 9453, Org 94800 to OEDC in order to fund their exclusive negotiating fee with BART to develop the Coliseum BART transit village;

and be it further

RESOLVED: That the exclusive negotiating period will be for 18 months, with the option to extend said period, with the approval of the Agency Administrator or her

designee, until the Environmental Impact Report/Environmental Impact Statement for the project is certified; 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 pursuant to Section 15262 (feasibility and planning studies), Section 15306 (information collection) and Section 15061(b)(3) (general rule) of the CEQA Guidelines; and be it further

RESOLVED: That the Exclusive Negotiating 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 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 hereby authorizes the Agency Administrator or her designee, to take all other actions necessary with respect to the Exclusive Negotiating Agreement and the project consistent with this Resolution and its basic purpose.

IN AGENCY, OAKLAND, CALIFORNIA, _____, 2005

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

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