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OFFICE OF THE CITY CLERK  
OAKLAND

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Approved as to form and legality

  
Agency Counsel

## REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND

Resolution No. 2011 - 0065 C.M.S.

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**AN AGENCY RESOLUTION AMENDING AGENCY RESOLUTION NOS. 2007-71 AND 2010-11 C.M.S., WHICH AUTHORIZED SETTLEMENT OF THE PACIFIC RENAISSANCE PLAZA LAWSUIT, TO AMEND THE AFFORDABLE HOUSING AGREEMENT TO EXTEND THE TIMELINE FOR REPAYING THE CITY'S LEGAL COSTS BY FIVE YEARS, AND PROVIDE FOR PARTIAL UPFRONT PAYMENT OF \$1,000,000 TOWARDS REPAYMENT OF THE CITY'S LEGAL EXPENSES**

**WHEREAS**, the Agency was a party to a lawsuit, *The City of Oakland, et al. v Pacific Renaissance Associates II, et al.*, Alameda County Case Number RG 03111924 and related cases; and

**WHEREAS**, the lawsuits concerned Pacific Renaissance Plaza, a mixed commercial and residential complex on 9th Street between Franklin and Webster; and

**WHEREAS**, Agency Resolution No. 2007-71 C.M.S., adopted on September 18, 2007, authorized settlement of the lawsuits; and

**WHEREAS**, the settlement involved, among other things, the purchase, rehabilitation, and sale of 50 units at Pacific Renaissance Plaza by the East Bay Asian Local Development Corporation or its affiliate ("EBALDC") as affordable ownership housing, and reimbursement of the City of Oakland's legal costs from sale proceeds; and

**WHEREAS**, the terms of the Affordable Housing Agreement associated with the settlement were amended by Agency Resolution No. 2010-11 C.M.S., adopted on January 19, 2010; and

**WHEREAS**, the amended settlement terms provided, among other things, that EBALDC reimburse the City for the City's litigation costs no later than December 31, 2011; and

**WHEREAS**, actual legal fees and expenses incurred by the City for the litigation totaled \$4,209,730.74, of which \$881,354.19 has been repaid through unit sales proceeds as of September 25, 2011; and

**WHEREAS**, although homeownership market conditions have declined steadily since the settlement agreement was authorized in September 2007, EBALDC has made steady progress in selling the units; now, therefore, be it

**RESOLVED:** That Resolution Nos. 2007-71 C.M.S. and 2010-11 are hereby amended to extend the timeline for repaying the City's legal costs by up to another five years, and provide for City acceptance of partial upfront payment of \$1,000,000 towards repayment of the City's legal expenses upon closing of the refinancing of the property; and be it further

**RESOLVED:** That the Agency Administrator is hereby authorized to negotiate and execute amendments and other documents and take whatever other action is necessary with respect to the implementation of the settlement consistent with this Resolution and its basic purposes.

IN AGENCY, OAKLAND, CALIFORNIA, NOV 15 2011, 2011

**PASSED BY THE FOLLOWING VOTE:**

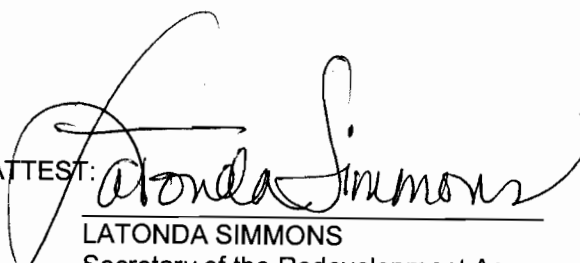
AYES - BROOKS, ~~BRUNNER~~, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF AND  
CHAIRPERSON REID - 7

NOES - 0

ABSENT - 0

ABSTENTION - 0

Recused - Brunner

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