

APPROVED AS TO FORM AND LEGALITY:

2006 MAR 29 PM 6:53

Agency Counsel

REDEVELOPMENT AGENCY
OF THE CITY OF OAKLAND
2006-0087
RESOLUTION No. _____ C.M.S.

**RESOLUTION AUTHORIZING AN EXCLUSIVE NEGOTIATING
AGREEMENT WITH KOMOROUS-TOWEY PROPERTIES, LLC, TO
DEVELOP A MIXED-USE OFFICE AND RETAIL PROJECT ON A
PORTION OF 540 – 17TH STREET**

WHEREAS, the Redevelopment Agency owns a parcel located at 540 – 17th Street in the Central District Redevelopment Project Area, which is currently being occupied by the Oakland Ice Rink; and

WHEREAS, a 3,700 square-foot irregularly-shaped portion of the Ice Rink parcel (the "Property") is currently being underutilized because it includes only certain utility services and a trash repository serving the Ice Center; and

WHEREAS, Komorous-Towey Properties, LLC, ("KTP") has proposed to acquire the Property from the Agency at its fair market value for the development of a mixed-use project (the "Project") consisting of office and retail uses; and

WHEREAS, KTP has proposed to be solely responsible for the costs and work necessary to relocate all utility and garbage services on the site, and would like to subtract any such costs from the fair market value of the Property; and

WHEREAS, the Agency and KTP wish to enter into a period of preliminary study and negotiations over the Project proposal, understanding that this does not constitute a binding commitment on the part of the Agency to any project or developer for the Property; now therefore be it

RESOLVED: That the Agency Administrator or her designee is authorized to negotiate and enter into an Exclusive Negotiating Agreement ("ENA") with KTP or a related entity for purposes of studying and evaluating the feasibility of, and negotiating terms and conditions for the development of a mixed-use project, including retail and office uses, on the Property; and be it further

RESOLVED: That the exclusive negotiating period shall be for 270 days from the date of this Resolution; and be it further

RESOLVED: That the ENA shall be reviewed and approved as to form and legality by Agency Counsel prior to execution; 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 it 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 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 or her designee is further authorized to take whatever action is necessary with respect to the ENA and the Project consistent with this Resolution and its basic purposes.

MAY 2 2006

IN AGENCY, OAKLAND, CALIFORNIA, _____, 2006


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