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OAKLAND

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APPROVED AS TO FORM AND LEGALITY:

D. Lewis

AGENCY COUNSEL

REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND

RESOLUTION No. 2008 - 0058 C.M.S.

RESOLUTION AUTHORIZING THE AGENCY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A TIME EXTENSION OF SIX TO TWELVE MONTHS TO THE THREE-PARTY EXCLUSIVE NEGOTIATING AGREEMENT WITH MACARTHUR TRANSIT COMMUNITY PARTNERS, LLC AND THE SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT FOR THE DEVELOPMENT OF THE MACARTHUR TRANSIT VILLAGE PROJECT

WHEREAS, the Redevelopment Agency of the City of Oakland is working to redevelop the MacArthur Bay Area Rapid Transit District ("BART") Station and the surrounding properties into a transit village; and

WHEREAS, the MacArthur Transit Village project is located within the Broadway/ MacArthur/San Pablo Redevelopment Project Area; and

WHEREAS, the Five Year Implementation Plan for the Broadway/MacArthur/San Pablo Redevelopment Project, adopted on July 25, 2000 (Ordinance No. 12269 C.M.S.), includes the MacArthur Transit Village project; and

WHEREAS, pursuant to a joint Request for Proposals, the Agency and BART reviewed five submissions and selected a development team that consists of a partnership between McGrath Properties (formerly Aegis Equity Partners) and BUILD (BRIDGE Urban Infill Land Development, LLC), organized as MacArthur Transit Community Partners, LLC ("MTCP"); and

WHEREAS, the Agency approved the execution of a three-party Exclusive Negotiating Agreement ("ENA") between the Agency, BART and MTCP on June 1, 2004 (Resolution No. 2004-26 C.M.S.) for the development of a transit village project at the MacArthur BART Station; and

WHEREAS, MTCP is in the process of negotiating an Owner Participation Agreement ("OPA") with the Agency that would outline the terms and conditions of

Agency participation in the proposed development of the MacArthur Transit Village and is in the process of negotiating an Option Agreement with BART for the purchase of BART-owned property at the MacArthur BART Station; and

WHEREAS, MTCP has submitted an application to the City of Oakland for the certification of the Environmental Impact Report for the project and approval of Preliminary Development Plan project entitlements, which is scheduled to go before the City Council for approval in July 2008; and

WHEREAS, the Agency Administrator is not authorized to extend the ENA beyond the date of the certification of the Environmental Impact Report for the project without returning to the Agency for authorization; and

WHEREAS, the Agency and MTCP do not anticipate completing negotiations for the Owner Participation Agreement until Fall 2008 and therefore wish to extend the ENA to cover this period of negotiations; and

WHEREAS, 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; now therefore be it

RESOLVED: That the Agency Administrator is authorized to negotiate and execute a six-month extension to the three-party Exclusive Negotiating Agreement with MTCP and BART for purposes of negotiating an OPA for the potential development of a transit village at the MacArthur BART Station; and be it further

RESOLVED: That the extension of the exclusive negotiating period will be for six months following the certification of the Environmental Impact Report, with the option to extend said period if an OPA has not been executed, with the approval of the Agency Administrator in her sole discretion, for an additional six months; and be it further

RESOLVED: That the agreement extending 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 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 extension of the Exclusive Negotiating Agreement and the project consistent with this Resolution and its basic purposes.

IN AGENCY, OAKLAND, CALIFORNIA, JUL 1 2008, 2008

PASSED BY THE FOLLOWING VOTE:

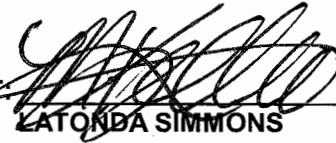
AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND
CHAIRPERSON DE LA FUENTE - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST



LATONDA SIMMONS

Secretary, Redevelopment Agency
of the City of Oakland