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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
2008 - 0045**

RESOLUTION No. _____ C.M.S.

AN AGENCY RESOLUTION AUTHORIZING THE PURCHASE OF REAL PROPERTY AT 2521 AND 2529 SEMINARY AVENUE, FROM DANILO MAYORGA SR. FOR \$1,450,000 LESS COST OF ENVIRONMENTAL SITE REMEDIATION AND AUTHORIZING UP TO \$100,000 FOR COSTS FOR DEMOLITION AND REAL ESTATE CLOSING

WHEREAS, the Central City East Redevelopment Plan adopted by the City Council on July 29, 2003, includes alleviation of general blight and unsafe conditions as a goal for the Central City East area; and

WHEREAS, the Redevelopment Agency of the City of Oakland (the "Agency") is implementing projects in the Central City East Redevelopment Project Area as part of the Redevelopment Plan to improve the Redevelopment Area; and

WHEREAS, Section 33391 of the California Community Redevelopment Law (Health & Safety Code Sections 33000, et seq.) authorizes a redevelopment agency to purchase real property in a project area for purposes of redevelopment; and

WHEREAS, real properties located at 2521 and 2529 Seminary Avenue, illustrated in Exhibit A attached hereto (APN 038-3182-002 and 038-3182-003) (the "Properties") are within the Central City East Redevelopment Project Area in Oakland; and

WHEREAS, the Properties consist of a 6,276 square foot lot improved with a vacant 6,200 square foot building and a 9,580 square foot lot improved as a parking lot; both of which are currently blighted and underutilized; and

WHEREAS, the Agency desires to acquire the Properties to hold for future development, to rid the property of blight, and to redevelop the property in the future; and

WHEREAS, Danilo Mayorga Sr., the owner of the Properties, offered to sell the Properties to the Agency at fair market value of \$1,450,000, minus the cost of site remediation,

to assist the Agency in its redevelopment efforts in the Central City East Redevelopment Project Area; and

WHEREAS, the sale by the Owner was not induced, the sale price is at fair market value as established by an appraisal, and no federal funds will be used for acquisition of the Properties; and

WHEREAS, the Properties have been appraised, a Phase I environmental investigation has been completed and a Phase II investigation is underway, the Agency has executed an option contract to enter into a purchase and sale agreement with the owner of the property, to acquire the property rights for \$1,450,000 less all costs for environmental site remediation ; and

WHEREAS, the estimated cost of demolition plus real estate closing costs are \$100,000; and

WHEREAS, the Agency issued and received Series 2006-T bonds for the Central City East and Coliseum Redevelopment Project Areas to be used for, among other things, the acquisition of vacant, blighted, obsolete and/or underutilized properties; and

WHEREAS, the funding for the acquisition of the Properties is available from Central City East Tax Allocation Bond Series 2006A-T (Taxable) Bonds Fund (9543), Central City East Organization (88699), Central City East Land Acquisition Project (S233351); and

WHEREAS, the Central City East Redevelopment Project Area Committee has not yet considered the acquisition nor made a recommendation to the Agency regarding acquisition of the Properties; and

WHEREAS, the requirements of CEQA, the CEQA Guidelines as prescribed by the Secretary for Resources, and the provisions of the Environmental Review Regulations of the City of Oakland have been satisfied; now, therefore, be it

RESOLVED: That the Agency hereby authorizes the Agency Administrator to negotiate and execute a Purchase and Sale Agreement for the purchase of Properties located at 2521 and 2529 Seminary Avenue for an amount not exceed \$1,450,000, less costs of all environmental site remediation and authorizes \$100,000 for costs of demolition and real estate closing; and be it

FURTHER RESOLVED: That this authorization to negotiate and execute a Purchase and Sale Agreement is conditioned upon the affirmative recommendation of the Project Area Committee ("PAC"), and should the PAC recommend against the acquisition of the Properties with Redevelopment funds, the acquisition may not proceed without re-consideration and approval by the Agency; and be it

FURTHER RESOLVED: That the Agency hereby finds and determines as follows:

1. That the funding of the acquisition of the 2521 and 2529 Seminary Avenue from redevelopment funds will benefit the Central City East Redevelopment Project Area by creating future development opportunities to better serve area residents and

businesses and improve physical conditions in the Central City East Redevelopment Project Area;

2. That the use of tax increment funds from the Central City East Redevelopment Project Area for the purchase is consistent with the implementation plan adopted for the Central City East Project Area and will assist in the elimination of blight in the Project Area by redeveloping an underutilized parcel; and be it

FURTHER RESOLVED: That funds will be allocated from Central City East Tax Allocation Bond Series 2006A-T (Taxable) Bonds Fund (9543), Central City East Organization (88699), Central City East Land Acquisition Project (S233351); 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 under Section 15183 (projects consistent with a General Plan), of the CEQA Guidelines, and directs the Agency Administrator to file a Notice of Exemption and an Environmental Declaration (California Fish and Game Code section 711.4) with the County of Alameda; and be it

FURTHER RESOLVED: That the Agency Administrator or her designee is hereby authorized to take whatever other action is necessary with respect to the Agency funding of the acquisition, consistent with this Resolution and its basic purposes; and be it further

FURTHER RESOLVED: That Agency Counsel shall review and approve all documents and agreements as to form and legality, and a copy shall be placed on file with the City Clerk.

JUN 17 2008

IN AGENCY, OAKLAND, CALIFORNIA, _____, 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 of the Redevelopment Agency
of the City of Oakland, California

ASSESSOR'S MAP 38

3182

Plat of
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Exhibit "A"

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lta, Etal. (P&T Bk. A Pg. 667)

Map of the Arnold Boulevard Tract. (Bk. 24 Pg. 10)

Scale 1" = 50'

