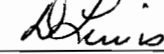


FILED
OFFICE OF THE CITY CLERK
OAKLAND

2010 JUN 30 AM 10:58

Approved as to Form and Legality


ORA Agency Counsel

REDEVELOPMENT AGENCY
OF THE CITY OF OAKLAND
2010-0097

Resolution No. _____ C.M.S.

AGENCY RESOLUTION AUTHORIZING THE AGENCY ADMINISTRATOR TO NEGOTIATE AND EXECUTE AN EXCLUSIVE NEGOTIATING AGREEMENT WITH RALPHS/FOOD 4 LESS GROCERY COMPANY FOR DEVELOPMENT OF A PROPOSED FOODS CO SUPERMARKET AND FUEL STATION AT THE NORTHEAST CORNER OF 66TH AVENUE AND SAN LEANDRO STREET

WHEREAS, in 2009, the Redevelopment Agency of the City of Oakland (the “Agency”) approved a five year plan for the Coliseum Redevelopment Project Area which supports the elimination of blight and the creation of jobs and tax revenue through the acquisition and development of underutilized sites in the project area with commercial facilities for the underserved in the project area; and

WHEREAS, the Agency has provided significant funding and is supporting the Oakland Housing Authority’s development of the Lions Creek Crossing affordable housing project in the Coliseum area, across 66th Avenue from the subject site; and

WHEREAS, the Agency is actively working to redevelop the Coliseum Area Redevelopment Project with new commercial facilities to serve residents in the area of the Coliseum BART Station; and

WHEREAS, in December 2009, the Agency purchased 6.3 acres from the Alameda Contra Costa Transit District (“AC Transit”), to hold for future development; and

WHEREAS, in late 2009, the Agency circulated a Notice of Development Opportunity to solicit development proposals for several sites, and a broker for the supermarket company Ralphs/Food 4 Less Grocery Company (“Ralphs”) submitted a proposal to develop a 72,000 square foot supermarket with 290 parking spaces and a fuel station on at least four acres at the 66th Avenue site; and

WHEREAS, the Agency and Ralphs have been in discussions, and now want to enter an Exclusive Negotiating Agreement (“ENA”) for the purposes of studying and evaluating the

feasibility of and negotiating terms and conditions for the possible development of a supermarket and fuel station at 915 66th Avenue: and

WHEREAS, the Agency and Ralphs desire to enter an ENA for an up to twelve month period, with the ability to extend the ENA period for an additional three months with Agency Administrator approval; and

WHEREAS, the Agency and Ralphs agree that this authorization to enter an ENA does not constitute a binding commitment on the part of the Agency to any developer or to participate in any project; 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 met; now therefore be it

RESOLVED: That the Agency Administrator is authorized to negotiate and enter into an Exclusive Negotiating Agreement with Ralphs for the purposes of studying and evaluating the feasibility of, and negotiating terms and conditions for, the possible development of a supermarket and fuel station at the 915 66th Avenue property including, but not limited to, the following provisions:

- Ralphs will submit a project description suitable for environmental review purposes that includes site plans, elevations, proposed project scaling and circulation, and periodic Coliseum Complex event parking strategies on an Agency 2.3 acre surface parking lot;
- Ralphs and the Agency will mutually determine whether the required environmental review will be undertaken by Ralphs, the developer, as is the Agency's general practice, or whether Ralphs and the Agency will undertake the environmental review jointly;
- Ralphs will secure all required land use entitlements;
- Ralphs will develop a project pro forma to evaluate the financial feasibility of the market rate project;
- Ralphs will make a \$25,000 good faith deposit in order secure the exclusive right to negotiate to develop the 915 66th Avenue property; and be it

FURTHER RESOLVED: That the exclusive negotiating period will be for up to twelve months, and the Agency Administrator shall be authorized to extend the period for an additional three months if the Environmental Impact Report for the project has not been 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 Agency Administrator or his designee shall cause to be filed with the County of Alameda a Notice of Exemption and an Environmental Declaration (California Fish and Game Code Section 711.4) for this action; 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 a copy shall be filed with the Agency secretary; and be it

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

IN AGENCY, OAKLAND, CALIFORNIA, JUL 20 2010

PASSED BY THE FOLLOWING VOTE:

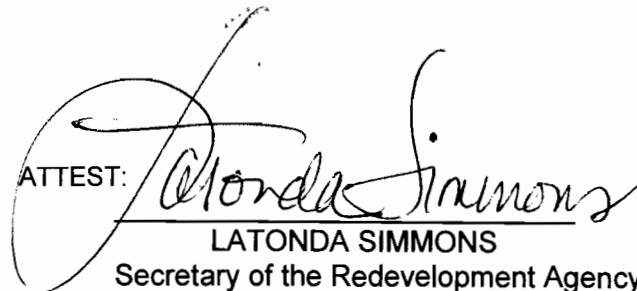
AYES - KERNIGHAN, NADEL, QUAN, DE LA FUENTE, BROOKS, REID, KAPLAN, AND
CHAIRPERSON BRUNNER - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:



LATONDA SIMMONS

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