

04 NOV - 1 PM 12:00 APPROVED AS TO FORM AND LEGALITY:



City Attorney

REDEVELOPMENT AGENCY
OF THE CITY OF OAKLAND
RESOLUTION No. 2004-61 C.M.S.

A RESOLUTION OF NECESSITY DECLARING CERTAIN OUTDOOR ADVERTISING BILLBOARD LEASEHOLD INTERESTS OWNED BY VIACOM OUTDOOR INC., KNOWN AS LEASE NUMBER 258 COVERING FACE NUMBERS 1774 AND 1250 AT 2016 TELEGRAPH AVENUE, OAKLAND CA 94612, FACE NUMBER 2662 AT 490 THOMAS BERKLEY WAY, OAKLAND CA 94612, AND FACE NUMBER 4173 AT FOX THEATER, 1815 SAN PABLO AVENUE, OAKLAND CA 94612; LEASE NUMBER 1348 COVERING FACE NUMBERS 4172 AND 4177 AT 1998 SAN PABLO AVENUE, OAKLAND, CA 94612; AND LEASE NUMBER 209 COVERING FACE NUMBER 1742 AND 1100 AT 593 THOMAS BERKLEY WAY, OAKLAND CA 94612, NECESSARY FOR PUBLIC PURPOSES AND AUTHORIZING AGENCY COUNSEL TO INITIATE CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF SAID PROPERTY

WHEREAS, the Agency wishes to pursue the development of a mixed-use rental housing and retail development project (the "Uptown Project") in Oakland on the blocks 642, 643, 644 and 649 generally bounded by Thomas L. Berkley Way (formerly 20th Street) on the north, Telegraph Avenue on the east, 19th Street on the south and San Pablo Avenue on the west (the "Uptown Project Area"), and redevelopment on adjacent properties not within the Uptown Project Area, but still within the Uptown Retail and Entertainment Area (the "Uptown Activity Area"), as identified on Exhibit "A" in the Central District Redevelopment Project Area ("Central District") of the Central District Urban Renewal Plan, adopted by the Agency on June 12, 1969, as amended (the "Plan"); and

WHEREAS, the proposed Uptown Project will assist in the elimination of blight in the Central District, and will help meet the objectives of the Plan and

redevelopment law; and

WHEREAS, The Uptown Project will benefit the Central District, as described in the Agenda Report for this Resolution, and by increasing and improving the supply of affordable housing available in the Central District and the City for low and moderate income homebuyers, attracting more residents to downtown Oakland, creating more commercial retail activities and by enhancing the economic viability and redevelopment potential of the Uptown Activity Area; and

WHEREAS, after good faith negotiations with the owners of certain privately-owned leasehold property interests in the proposed Uptown Project Area and in properties adjacent to the Uptown Project Area, but still within the Uptown Activity Area, were unsuccessful, the Agency wishes to authorize Agency Counsel to commence eminent domain proceedings to acquire said leasehold interests; and

WHEREAS, as documented in the EIR and elsewhere in the record, the actions authorized by this resolution will not involve any new or more severe significant impacts, there are no substantial changes with respect to the circumstances under which the project was approved that involve new or substantially more severe significant environmental impacts, and no significant new information has come to light that would indicate new or more significant impacts, or substantially different or feasible mitigation measures the project sponsor refuses to adopt, and, accordingly, none of the circumstances necessitating preparation of a Subsequent or Supplemental EIR ("SEIR") are present; now therefore be it

RESOLVED: That the Redevelopment Agency hereby finds, determines, and resolves as follows:

1. The Redevelopment Agency of the City of Oakland is a public entity authorized to establish and carry out community redevelopment projects pursuant to Health and Safety Code Sections 33391, et seq.
2. The property interests described hereinafter are to be taken for public use, namely, to eliminate blight and for redevelopment purposes, and for affordable housing, and all public purposes pursuant to the authority conferred upon the Redevelopment Agency to acquire property by eminent domain, including Health and Safety Code Section 33391; Code of Civil Procedure Sections 1240.140, 1240.510, and 1240.610; and Article I, Section 19, of the California Constitution.
3. The interests to be acquired herein are the leasehold interests in certain outdoor advertising billboard leasehold interests owned by Viacom Outdoor Inc., under Lease Number 258 covering face numbers 1774 and 1250 at 2016 Telegraph Avenue, Oakland, California 94612, face number 2662 at 490 Thomas Berkley Way (20th Street), Oakland, California 94612, and face number 4173 at Fox Theater, 1815 San Pablo Avenue,

Oakland California 94612; Lease Number 1348, covering face number 4172 and 4177 at 1998 San Pablo Avenue, Oakland, California 94612; and Lease Number 209 covering face number 1742 and 1100 at 593 Thomas Berkley Way (20th Street), Oakland, California 94612, together with all improvements situated thereon, all as more particularly indicated on the map attached hereto as Attachment A-5, which is incorporated herein by this reference.

4. The environmental impacts of the Uptown Project and the adjacent properties were considered in the Environmental Impact Report that was certified by The Oakland Planning Commission, in compliance with CEQA, for the Uptown Project, on February 18, 2004 and none of the circumstances necessitating preparation of an SEIR are present.
5. The Redevelopment Agency has reviewed and considered the Environmental Impact Report, before and as part of the process of determining whether to acquire the above-described leasehold interests.
6. The subject leasehold interests are being acquired for a compatible use under Code of Civil Procedure section 1240.510 in that the Redevelopment Agency's use of the subject property interests will not interfere with or impair the continued public use as it now exists or may reasonably be expected to exist in the future, or, in the alternative, for a more necessary public use under Code of Civil Procedure section 1240.610 in that the Agency's use of the subject property interests is a more necessary public use than the use to which the subject property interests are appropriated.
7. The Redevelopment Agency hereby declares that it has found and determined each of the following:
 - (a) The public interest and necessity require the proposed Uptown Project and redevelopment of the above-referenced leasehold interests;
 - (b) The proposed Uptown Project and redevelopment of the above-referenced leasehold interests are planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
 - (c) The leasehold interests described in this resolution are necessary for the proposed Uptown Project or redevelopment of the leasehold interests; and
 - (d) The offer required by Government Code section 7267.2 has been made to the owners of record.

8. Agency General Counsel or its designee is hereby authorized (a) to take all steps necessary to commence legal proceedings, in a court of competent jurisdiction, in the name of the Redevelopment Agency of the City of Oakland, (b) to acquire the leasehold interests described above by eminent domain, (c) to seek and obtain an Order for Possession of said leasehold interests in accordance with the provisions of the eminent domain law, and (d) to deposit the total sum of probable compensation fixed by appraisal with the State Treasurer in the State Condemnation Deposits Fund, as provided by statute; and be it

FURTHER RESOLVED: That funds in the amount of \$116,900 for the acquisition of these leasehold interests have previously been budgeted and appropriated by the Agency pursuant to Resolution No. 2004-38 C.M.S. passed on July 20, 2004, and are available from Central District Tax Allocation Sources (Fund # 9532), Uptown/Forest City LDDA (Project #T245610), Org. 94800.

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IN AGENCY, OAKLAND, CALIFORNIA, _____, 2004

PASSED BY THE FOLLOWING VOTE:

AYES- ~~BROOKS~~, BRUNNER, CHANG, NADEL, QUAN, ~~REID~~, WAN, AND PRESIDENT DE LA FUENTE **6**

NOES- **REID - 1**

ABSENT- **0**

ABSTENTION- **0**

Excused - Brooks - 1

ATTEST:


CEDA FLOYD

Secretary of the Redevelopment Agency
of the City of Oakland