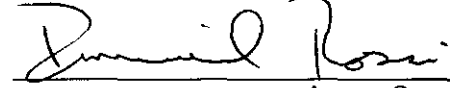


APPROVED AS TO FORM AND LEGALITY:


Agency Counsel

**REDEVELOPMENT AGENCY
OF THE CITY OF OAKLAND**

2003-14 C.M.S.
RESOLUTION NO. _____

FILED
OFFICE OF THE CITY CLERK
OAKLAND
03 FEB 13 PM 1:20

A RESOLUTION AUTHORIZING AN INCREASE OF THE REDEVELOPMENT AGENCY'S CONTRIBUTION FOR DESIGN AND ENGINEERING OF THE OAKLAND COLISEUM INTERCITY RAIL PLATFORM BY \$419,000 FOR A TOTAL AGENCY CONTRIBUTION OF \$504,000, ALLOCATING \$1,055,000 IN ADDITIONAL AGENCY FUNDS FOR CONSTRUCTION OF THE PROJECT, AND AUTHORIZING AN AMENDMENT TO THE REPAYMENT AGREEMENT WITH THE CITY TO PROVIDE THE ADDITIONAL FUNDING FOR THE PROJECT

WHEREAS, on August 14, 1998, the City of Oakland entered into an agreement ("Agreement") with the San Francisco Bay Area Rapid Transit District ("BART") for design and engineering services related to the Oakland Coliseum Intercity Rail Platform Project with a design and engineering budget of \$369,500; and

WHEREAS, the Agreement has been amended to extend the term of the Agreement to September 24, 2001, and to increase the design and engineering budget for the project to a total of \$501,050, of which \$8,000 came from the City and \$85,000 came from the Redevelopment Agency; and

WHEREAS, since the amendment, the project has required supplemental modifications and additions attributed by the request of Union Pacific Railroad, AMTRAK, the Regional Water Quality Control Board, and the City, which requires an additional \$635,000 to complete the design and engineering and the extension of the work by an additional thirty (30) months; and

WHEREAS, the cost increase of \$635,000 for design and engineering shall be shared among the participating parties as follows: \$160,000 coming from the City's State Transportation Improvement Program grant, \$55,774 coming from the Capitol Corridor Joint Powers Authority, and \$419,000 coming from the Redevelopment Agency; and

WHEREAS, the California Transportation Commission ("CTC") under its State Transportation Improvement Program ("STIP") has awarded \$4,075,000 to the City for construction and acquisition of the project; and

WHEREAS, the construction and acquisition cost of the project is approximately \$5.47 million, thus leaving a project deficit of \$1.055 million; and

WHEREAS, funds are available for construction of the project from Coliseum Area tax allocation bond proceeds; and

WHEREAS, Section 33445 of the California Health and Safety Code authorizes a redevelopment agency to pay for the cost of installation or construction of publicly-owned facilities, if the legislative body has consented to such funding and has made certain findings; and

WHEREAS, the City Council has consented to the use of Agency funding for the construction of this project, and made the requisite findings; and

WHEREAS, the City and the Redevelopment Agency have entered into a Repayment Agreement for the Coliseum Redevelopment Project providing for the provision of funding and services by the City and the Agency to support redevelopment activities in the Coliseum Project Area; and

WHEREAS, the requirements of the California Environmental Quality Act of 1970 ("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, because the City has determined that the Oakland Coliseum Intercity Rail Platform Project is statutorily exempt from CEQA under Section 15275(a) (mass transit projects) of the CEQA Guidelines; now, therefore, be it

RESOLVED: That the Redevelopment Agency hereby allocates up to \$1,474,000 from Coliseum Tax Allocation Bonds, Series 2003, issued January 2003, to complete the design, engineering, and construction of the Oakland Coliseum Intercity Rail Platform Project, and authorizes that \$419,000 be allocated for payment to the City for City reimbursement to BART for the design and engineering consultant services, and the remaining \$1,055,000 be allocated for payment to the City for construction purposes; and be it further

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

1. That the Oakland Coliseum Intercity Rail Platform Project will benefit the Coliseum Project Area by improving public transit opportunities in the Project Area, improving traffic conditions in the Project Area, and enhancing the aesthetic and functional appeal of the Project Area for property owners, residents, visitors, and developers;
2. That no other reasonable means of financing the construction of the Oakland Coliseum Intercity Rail Platform Project is available to the City other than Redevelopment Agency funding; and
3. That the use of tax increment funds from the Coliseum Project Area for the Oakland Coliseum Intercity Rail Platform Project will assist in the elimination of blight and is consistent with the implementation plan adopted for the Coliseum Project.

and be it further

RESOLVED: That the Agency Administrator or his or her designee as agent of the Agency is hereby authorized to negotiate and enter into an appropriate amendment to the Repayment Agreement with the City for the Coliseum Redevelopment Project to provide for the additional \$1,474,000 in design, engineering, and construction funding of the project by the Agency; and be it further

RESOLVED: That all agreements shall be reviewed and approved as to form and legality by Agency Counsel and shall be filed with the Agency Secretary; and be it further

RESOLVED: That the Agency Administrator or his or her designee is hereby authorized to negotiate and enter into contracts and take whatever other action is necessary with respect to the Oakland Coliseum Intercity Rail Platform Project consistent with this Resolution and its basic purposes.

IN AGENCY, OAKLAND, CALIFORNIA, MAR 11 2003


PASSED BY THE FOLLOWING VOTE:

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

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST: 
CEDA FLOYD
Secretary of the Redevelopment Agency
of the City of Oakland, California