

REDEVELOPMENT AGENCY
OF THE CITY OF OAKLAND

2005 JAN 13 PM 8:19

RESOLUTION No. 79059 C.M.S.

A RESOLUTION OF NECESSITY DECLARING CERTAIN PROPERTY INTERESTS AT 1920 SAN PABLO AVENUE, OAKLAND CA 94612 (ASSESSOR PARCEL NUMBER: 008-0643-006), 1954 SAN PABLO AVENUE, OAKLAND CA 94612 (ASSESSOR PARCEL NUMBER: 008-0644-021, AND 610 WILLIAM STREET, OAKLAND CA 94612 (ASSESSOR PARCEL NUMBER 008-0644-020) AS NECESSARY FOR PUBLIC PURPOSES AND AUTHORIZING AGENCY COUNSEL TO INITIATE CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF SAID PROPERTY INTERESTS FOR REDEVELOPMENT PURPOSES AS PART OF THE UPTOWN PROJECT

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 real properties in the Uptown Project Area were unsuccessful, the Agency wishes to authorize Agency Counsel to commence eminent domain proceedings to acquire said properties; 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 properties 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 is the fee simple interest in certain properties located at 1920 San Pablo Avenue, Oakland CA 94612 (Assessor Parcel Number: 008-0643-006), 1954 San Pablo Avenue, Oakland CA 94612 (Assessor Parcel Number: 008-0644-021, and 610 William Street, Oakland CA 94612 (Assessor Parcel Number 008-0644-020), together with all improvements situated thereon and the underlying fee interest, if any, appurtenant to the properties in and to any adjoining streets, alleys, public ways, or railroad rights-of-way, all as more particularly indicated in the legal descriptions and map attached hereto and incorporated herein by this reference as Attachment A-1, A-2 and A-3.
4. The environmental impacts of the Uptown Project 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.
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 properties.
6. The subject properties 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 properties 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 properties is a more necessary public use than the use to which the subject properties 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;
 - (b) The proposed Uptown Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
 - (c) The properties described in this resolution are necessary for the proposed Uptown Project; 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 property interests described above by eminent domain, (c) to seek and obtain an Order for Possession of said property 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 \$1,530,570 for the acquisition of these properties 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.

IN AGENCY, OAKLAND, CALIFORNIA, FEB 15 2005, 2005

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, ~~YAM~~, AND PRESIDENT DE LA FUENTE -7

NOES- 0

ABSENT- 0

ABSTENTION- 0

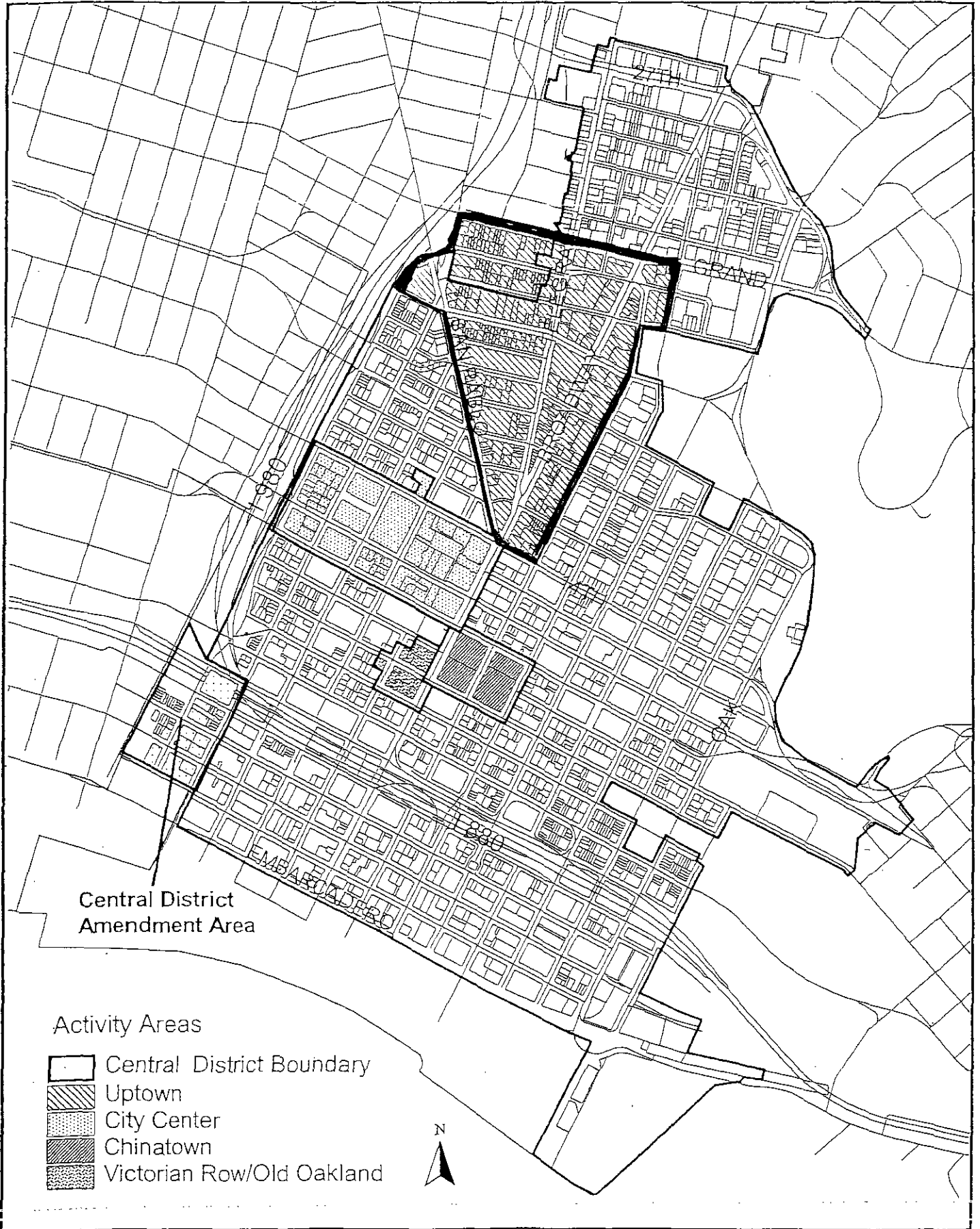
ATTEST:

Teronda Simmons

Marin

Secretary of the Redevelopment Agency
of the City of Oakland

Exhibit "A"



ATTACHMENT A-1

LEGAL DESCRIPTION

Real property in the City of Oakland, County of Alameda, State of California, described as follows:

PARCEL ONE:

Beginning at a point on the Eastern line of San Pablo Avenue, distant thereon one hundred six feet, one inch, Northerly from the point of intersection thereof with the Northern line of 19th Street, formerly Frederick Street; running thence Northerly along said line of San Pablo Avenue, Fifty feet; thence at right angles Easterly, Seventy-Seven feet, Nine inches; thence Southerly and parallel with San Pablo Avenue, Fifty feet; and thence at right angles Westerly, Seventy-Seven feet, Nine inches, to the point of beginning.

Being Lots Numbered 5 and 6, in Block Numbered 2001, as said Lots and Block are delineated and so designated upon that certain Map entitled "Hogan Tract" etc., filed June 19, 1876, in the Office of the County Recorder of Alameda County.

APN: 008-0643-006 (portion)

PARCEL TWO:

Beginning at a point on the Northeasterly line of San Pablo Avenue, distant thereon Northwesterly One Hundred Fifty-Six (156) feet One (1) inch from the point of intersection thereof with the Northerly line of 19th Street, formerly Frederick Street, as said avenue and street are shown on the map hereinafter referred to; running hence at right angles Northeasterly Seventy-Seven (77) feet, Nine (9) inches; running thence at right angles Northwesterly Two (2) feet, Six (6) inches to a point on the Southerly line of William Street, formerly 19th Street, as said street is shown on said map hereinafter referred to; running thence Westerly along said line of William Street Eighty-Six (86) feet, Three (3) inches to the said Northeasterly line of San Pablo Avenue; running thence Southeasterly along said line of San Pablo Avenue Thirty-Nine (39) feet, One and three-fourths (1-3/4) inches to the point of beginning.

Being Lot No. 7 in Block No. 2001, as said lot and block are delineated and so designated upon that certain map entitled "Hogan Tract, Oakland, Alameda County, State of California", filed June 19, 1876, in Liber 2 of Maps, Page 2, in the Office of the County Recorder of said Alameda County.

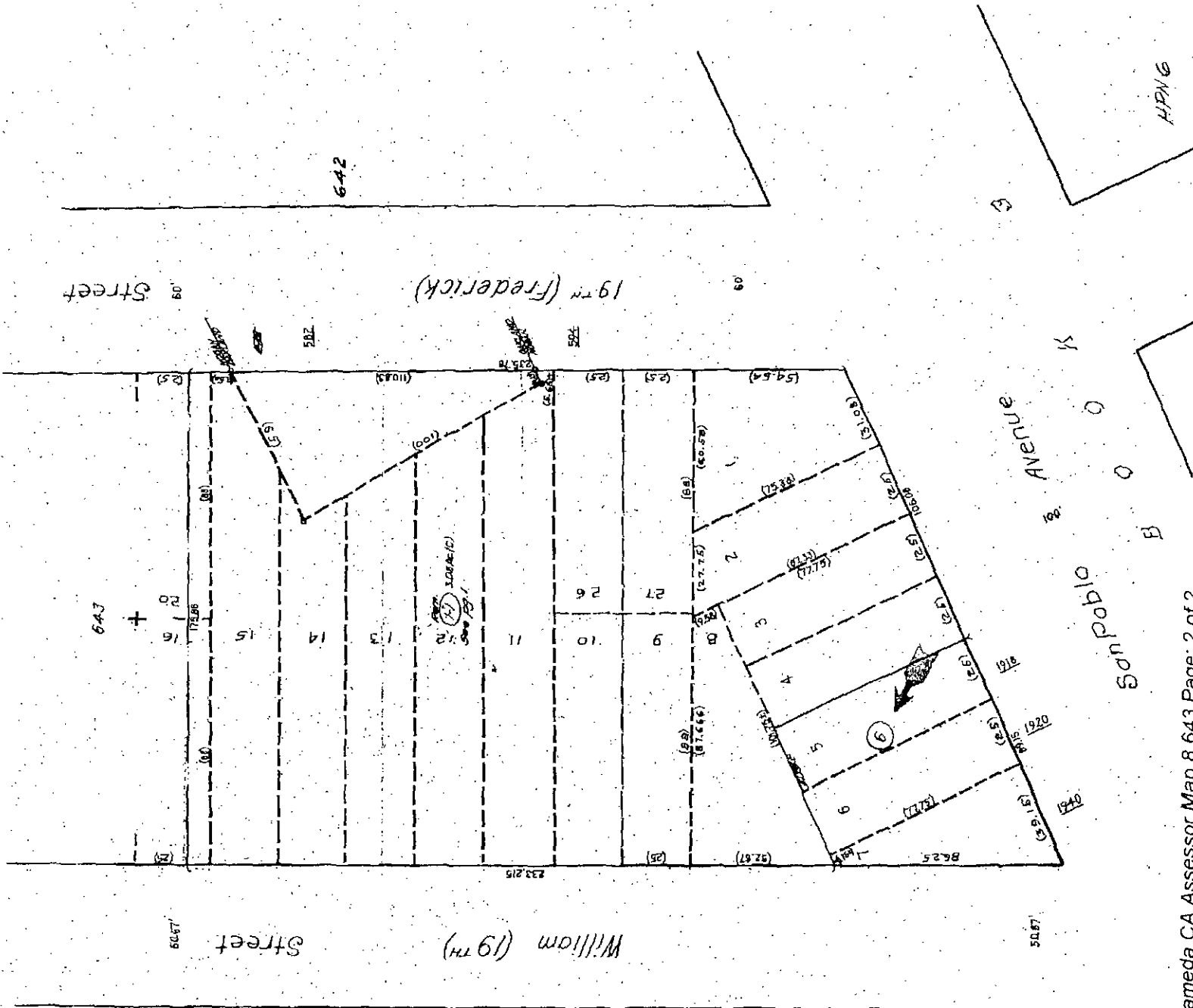
APN: **008-0643-006 (remainder)**

ASSESSOR'S MAP 8

Map of Oakland and vicinity
as established and proposed
Surveys and records of the County, as per W.T. Boardman,
City and County Surveyor (Bk. 17 Pg. 14)

Map of the Hagan Tract. (Bk. 2 Pg. 2)

Scale 1 in = 30 ft.



THIS MAP SHOULD BE USED FOR REFERENCE PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. PARCELS MAY NOT COMPLY WITH LOCAL SUBDIVISION OR BUILDING ORDINANCES.

ATTACHMENT A-2

LEGAL DESCRIPTION

Real property in the City of Oakland, County of Alameda, State of California, described as follows:

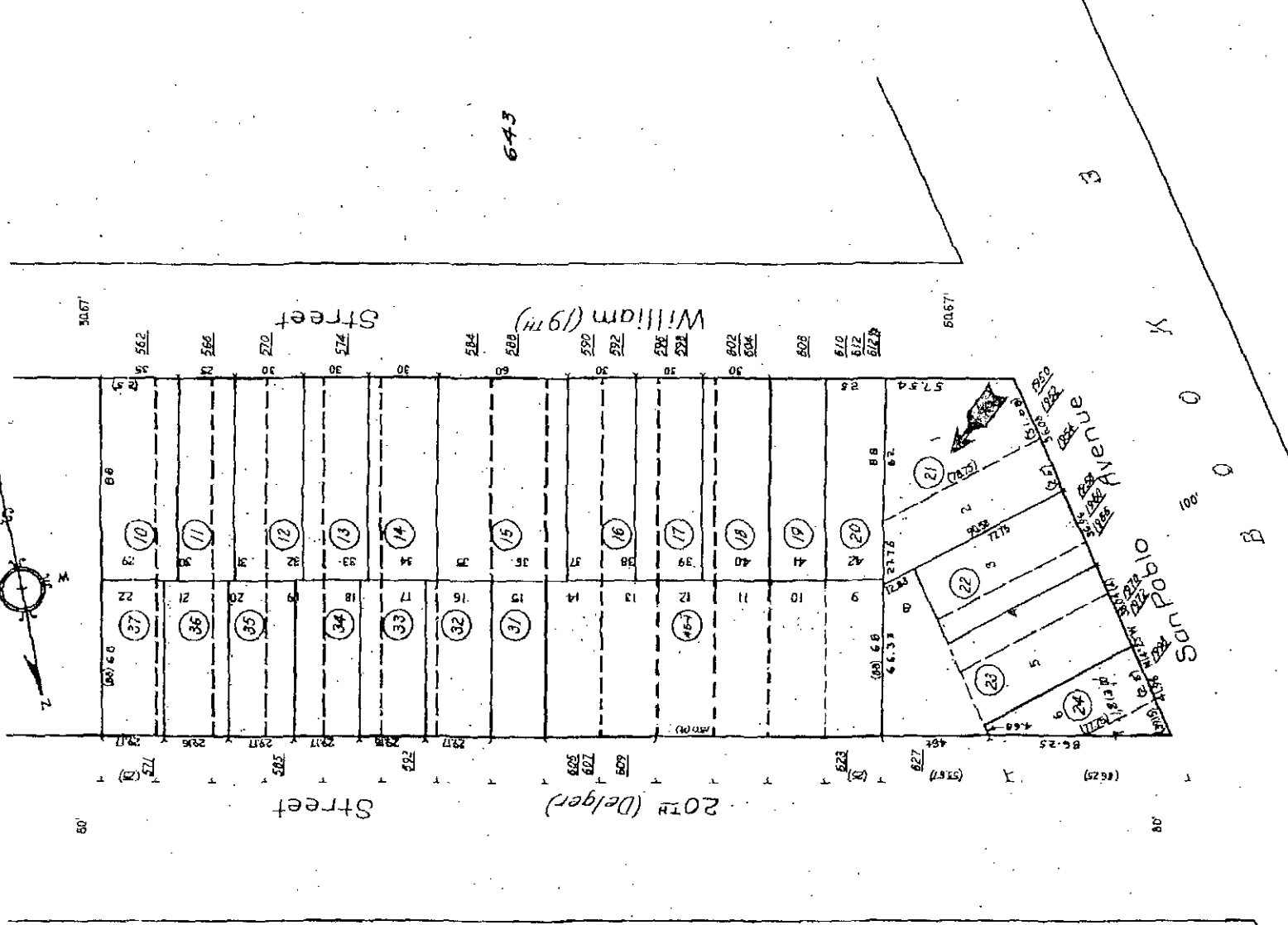
Lots 1 and 2, in Block 2002 as said Lots and Block are delineated and so designated upon that certain Map entitled, "Hogan Tract, Oakland, Alameda County, State of California", filed June 19, 1876, in Liber 2 of Maps, Page 2, in the office of the County Recorder of Alameda County.

APN: **008-0644-021**

Map of the Hogan Trail (AKA 19.6)

Scale 1/4" = 40ft

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THIS MAP SHOULD BE USED FOR REFERENCE PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. PARCELS MAY NOT COMPLY WITH LOCAL SUBDIVISION OR BUILDING ORDINANCES.

ATTACHMENT A-3

LEGAL DESCRIPTION

Real property in the City of Oakland, County of Alameda, State of California, described as follows:

Lot 42, in Block 2002, as said Lot and Block are shown on the Map of "Hogan Tract", Alameda County, California", filed June 19, 1876, in Book 2 of Maps at Page 2, in the office of the County Recorder of Alameda County.

APN: **008-0644-020**

Map of the Hoqa

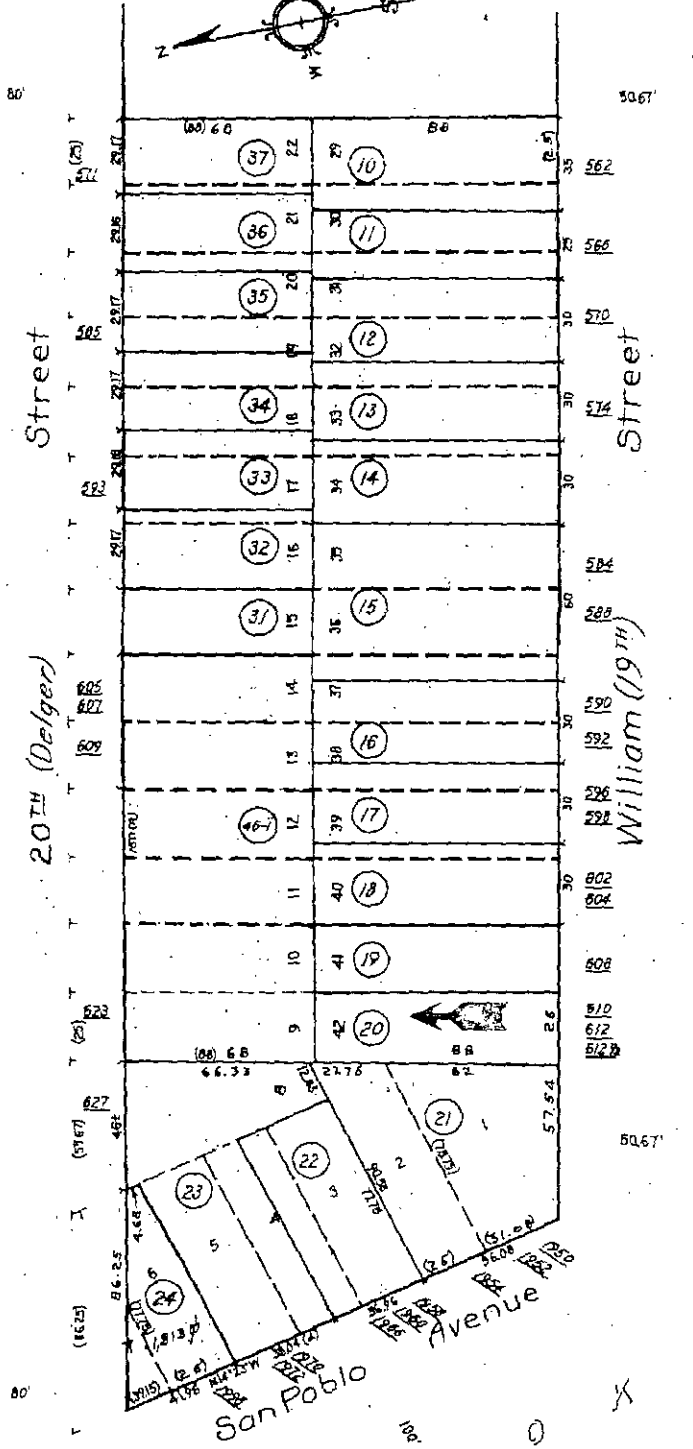
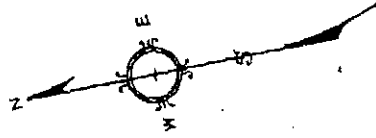
Scale 1 in = 40 ft.

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2002

Page 2

REV. 10-1-77 RM
6-4-82 DD
3-11-83 CS

644



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