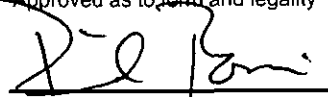


FILED
OFFICE OF THE CITY CLERK
OAKLAND

OAKLAND CITY COUNCIL

Approved as to form and legality


Deputy City Attorney

2009 DEC 22 11:54 AM
RESOLUTION No. 82505 C.M.S.

A RESOLUTION AMENDING CITY RESOLUTION NO. 80841 C.M.S. AUTHORIZING SETTLEMENT OF THE PACIFIC RENAISSANCE PLAZA LAWSUIT TO (1) EXTEND THE TIMELINE FOR REPAYING THE CITY'S LEGAL COSTS BY TWENTY-FOUR MONTHS, AND (2) ALLOW REALES OF PROJECT UNITS TO HOUSEHOLDS EARNING UP TO 120% OF AREA MEDIAN INCOME

WHEREAS, the City was a party to a lawsuit, *The City of Oakland, et al. v Pacific Renaissance Associates II, et al.*, Alameda County Case Number RG 03111924 and related cases; and

WHEREAS, the lawsuits concerned Pacific Renaissance Plaza, a mixed commercial and residential complex on 9th Street between Franklin and Webster; and

WHEREAS, Council Resolution No. 80841 C.M.S., adopted on September 18, 2007, authorized settlement of the lawsuits; and

WHEREAS, the settlement involved, among other things, the purchase, rehabilitation, and sale of 50 units at Pacific Renaissance Plaza by the East Bay Asian Local Development Corporation or its affiliate ("EBALDC") as affordable ownership housing, and reimbursement of the City's legal costs from sale proceeds; and

WHEREAS, the settlement terms provided, among other things, that EBALDC reimburse the City for the City's litigation costs no later than December 31, 2009; and

WHEREAS, the settlement terms provided, among other things, that initial sale of units to homeowners and subsequent resales of units during the 45-year affordability period be limited to households at or below 100% of Area Median Income; and

WHEREAS, actual legal fees and expenses incurred by the City for the litigation totaled \$4,209,730.74, of which \$453,775.95 has been repaid through unit sales proceeds as of December 1, 2009; and

WHEREAS, although homeownership market conditions have declined steadily since the settlement agreement was authorized in September 2007, EBALDC has made steady progress in selling the units; now, therefore, be it

RESOLVED: That Resolution No. 80841 C.M.S. is hereby amended to (1) extend the timeline for repaying the City's legal costs by 24 months, and provide that EBALDC shall reimburse the City for the City's legal costs in the Pacific Renaissance litigation no later than December 31, 2011, and (2) allow resales of the affordable housing units at Pacific Renaissance Plaza after the initial sale to homebuyers to households earning up to 120% of Area Median Income, although the initial sale of such units will continue to be restricted to households at or below 100% of Area Median Income; and be it further

RESOLVED: That the City Administrator is hereby authorized to negotiate and execute amendments and other documents and take whatever other action is necessary with respect to the implementation of the settlement consistent with this Resolution and its basic purposes.

JAN 19 2010

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2010

PASSED BY THE FOLLOWING VOTE:

AYES - ~~BROOKS~~, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, ~~REID, AND~~
~~PRESIDENT BRUNNER - 5~~

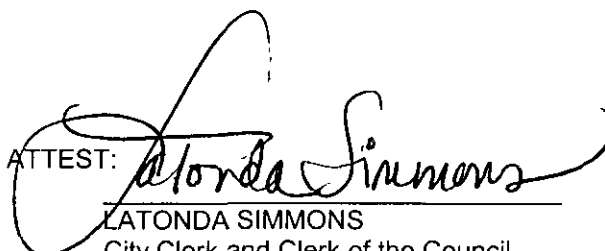
NOES -

ABSENT -

ABSTENTION - Brooks - 1

Excused - Reid - 1

Recused - President Brunner - 1

ATTEST: 
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California