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OFFICE OF THE CITY CLERK
OAKLAND

2013 JUN 12 PM 3: 13

APPROVED AS TO FORM AND LEGALITY:
BY: 
ORSA COUNSEL

OAKLAND REDEVELOPMENT SUCCESSOR AGENCY

RESOLUTION No. 2013,021

A RESOLUTION TRANSFERRING THE GRANT UNDER THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT'S TRANSIT ORIENTED DEVELOPMENT GRANT PROGRAM FOR THE COLISEUM BART STATION TRANSIT VILLAGE PROJECT TO THE CITY OF OAKLAND

WHEREAS, on December 11, 2007, the California State Department of Housing and Community Development ("HCD") issued a Notice of Funding Availability ("NOFA") for the Transportation Oriented Development ("TOD") program established under the Housing and Emergency Shelter Trust Fund Act of 2006 ("Proposition 1C") pursuant to Part 13 of Division 31 of the Health & Safety Code, Section 53560; and

WHEREAS, the Redevelopment Agency of the City of Oakland ("Agency") adopted Agency Resolution No. 2008-0028 C.M.S. dated March 4, 2008, authorizing the submittal of an application for funding under the TOD program for the Coliseum BART Transit Village, and authorizing acceptance and appropriation of grant funds from this program for eligible activities in the manner presented in the application as approved by HCD and in accordance with TOD program guidelines; and

WHEREAS, Agency Resolution No. 2008-0028 C.M.S authorized the Agency Administrator to execute in the name of the Agency the application, the Standard Agreement, and all other documents required by HCD for participation in the TOD Program and any amendments thereto; and

WHEREAS, the Agency submitted an application to HCD to obtain an allocation of TOD grant funds in the amount of \$8,485,000 for the Coliseum Transit Village Project at the Coliseum BART Station; and

WHEREAS, on August 17, 2011, the Agency and HCD executed a Standard Agreement for TOD program funding for the Coliseum BART Transit Village in an amount not to exceed \$8,485,000, and on June 29, 2012, the City acting as Successor Agency to

the Redevelopment Agency and Housing Successor to the Redevelopment Agency executed with HCD a First Amendment to the Standard Agreement; and

WHEREAS, the Redevelopment Agency of the City of Oakland dissolved on February 1, 2012; and

WHEREAS, prior to Agency dissolution, the Agency transferred the local match funds for the TOD program funding for the Coliseum BART Transit Village to the City of Oakland under the Funding Agreement between the Agency and the City, as well as all obligations of the Redevelopment Agency with respect to such funds and activities; and

WHEREAS, the State Controller's Office has determined in its review of asset transfers between the Agency and the City pursuant to Health and Safety Code Section 34167.5 that the transfer of such funds was an allowable transfer and that the City may retain the local match funds for the TOD program funding for the Coliseum BART Transit Village; and

WHEREAS, the California Department of Finance ("DOF") has determined in its Due Diligence Review of available cash assets pursuant to Health and Safety Code Section 34179.5, et seq., that the obligation to provide the local match for the TOD program was an enforceable obligation of the City, and that the City may retain and use the local match funds for the TOD program funding for the Coliseum BART Transit Village; and

WHEREAS, the City of Oakland is reaffirming that it is acting as sole grantee under HCD's TOD Program for the Coliseum BART Transit Village, and has the obligation to supply the local matching funds under the Program; and

WHEREAS, Health and Safety Code Section 34177(h) requires successor agencies to expeditiously wind down the affairs of the redevelopment agency; and

WHEREAS, Health and Safety Code Section 34177(h) authorizes successor agencies to transfer the contractual obligations of former redevelopment agencies to other parties; now, therefore, be it

RESOLVED: That the Oakland Redevelopment Successor Agency hereby affirms that the City of Oakland will act as sole grantee under HCD's TOD Program for the Coliseum BART Transit Village, acknowledges that the City is retaining the local match funds for said grant, and transfers any remaining interests or obligations with respect to said grant to the City.

BY SUCCESSOR AGENCY, OAKLAND, CALIFORNIA, JUL 2 2013, 2013

PASSED BY THE FOLLOWING VOTE:

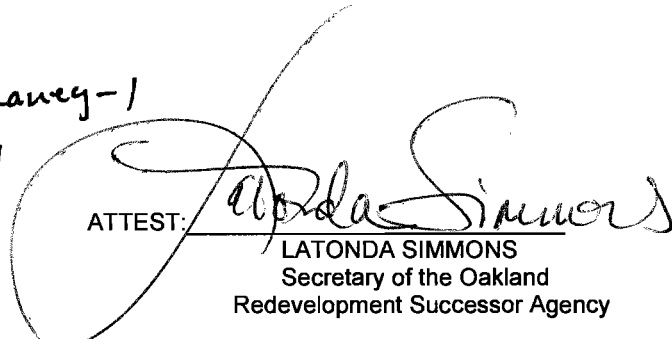
AYES- BROOKS, GALLO, ~~GIBSON MCELHANEY~~, KALB, KAPLAN, REID, ~~SCHAAT~~, and
CHAIRPERSON KERNIGHAN – 6

NOES- 0

ABSENT- Gibson McElhanev-1

ABSTENTION- Schaat- 1

ATTEST:



LATONDA SIMMONS
Secretary of the Oakland
Redevelopment Successor Agency