



# City of Oakland

Office of the City Clerk  
Oakland City Hall,  
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Room 201  
Oakland, California 94612

## Legislation Text

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**File #: 06-0822, Version: 1**

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**Subject: Fox Oakland Theater - Agreement Amendments**  
**From: Community and Economic Development Agency**  
**Recommendation: Conduct A Public Hearing And Upon Conclusion Adopt The Following Pieces Of Legislation:**

1) An Agency Resolution Authorizing Amendments To The Disposition And Development Agreement (DDA) Between The Agency And Fox Oakland Theater, Inc. (FOT), A Non-Profit Entity, Revisions And Supplements To Original Guarantees Required For Tax Credit Financing For The Fox Theater Project And Other Agreements Including:

- **Modifying The Existing Loan Repayment Guarantee From The Agency To FOT For Conventional Loan To FOT Not To Exceed \$6,500,000, And The Existing Contingent Loan Not To Exceed \$3,530,000 For Costs Associated With Obtaining Historic Tax Credits And New Markets Tax Credits, To Include Operating Costs Within The Scope Of The Guarantees ;**
- **A Guarantee By The Agency In Favor Of The Tax Credit Investment Entities For (A) Completion Of The Fox Theater Rehabilitation Work In Compliance With Applicable Laws And The Historic Tax Credits Requirements, (B) Payment Of Carrying Costs Through Lease Up, And (C) That The Project Is Free Of Liens Upon Completion Of Rehabilitation;**
- **A Guarantee By Agency In Favor Of The Tax Credit Investment Entities Relating To The Historic Tax Credits And New Markets Tax Credits In Event The Tax Credits Are Not Awarded Or Are Recaptured By The Internal Revenue Service As A Result Of Non-Compliance With IRS Tax Credit Requirements By For Or Its Affiliated Entities;**
- **Environmental Indemnification For The Lenders And Tax Credit Investors To Protect Against Existing And Future, Known Or Unknown Environmental Matters; And**