

RESOLUTION NO. 07-14

**RESOLUTION OF THE RICHMOND COMMUNITY REDEVELOPMENT
AGENCY APPROVING AND AUTHORIZING THE EXECUTION OF AN
AGREEMENT WITH EAST BAY CENTER FOR THE PERFORMING ARTS
PROVIDING FOR THE SALE OF AND IMPROVEMENTS TO THE
WINTERS BUILDING AND RELATED ACTIONS**

WHEREAS, the Richmond Community Redevelopment Agency (the "Agency") is carrying out the Redevelopment Plan (the "Plan") for the Downtown 10A Redevelopment Project (the "Redevelopment Project"); and

WHEREAS, the Agency currently owns that certain real property located at 339 11th Street, in the City of Richmond, and commonly referred to as the Winters Building (the "Property"), located within the boundaries of the Redevelopment Project (the "Redevelopment Project Area"); and

WHEREAS, the East Bay Center for the Performing Arts ("EBC") is a California nonprofit public benefit corporation that has been in existence and active in Contra Costa County since 1969, that offers programs and training in theater, music and dance; and

WHEREAS, EBC has, since 1974, leased the Property from the Agency and operated its theater, music and dance programs therein, pursuant to a lease, most recently updated on August 1, 2006 (the "Existing Lease"); and

WHEREAS, EBC has received a conditional grant of funds (the "Hewlett Grant") from The William and Flora Hewlett Foundation, in the amount of \$1,000,000 over two years, for the revitalization and renovation of the Property (the "Improvements"); and

WHEREAS, a condition of the Hewlett Grant is that the Winters Building be owned by EBC; and

WHEREAS, the Agency and EBC have cooperated in preparing an agreement (the "Agreement") providing for, among other things, the sale of the Property to EBC, with a covenant and restriction that EBC shall use the Property as a not-for-profit performing arts facility offering programs and training in theater, music and dance primarily to youth in perpetuity; and

WHEREAS, in conjunction with the Improvements to be constructed on the Property by EBC, EBC will also perform certain seismic work on the Property (collectively, the "Seismic Work"), and the Agency will reimburse EBC for the actual costs incurred by EBC for the Seismic Work, up to a maximum amount of \$1,200,000; and

WHEREAS, the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 et seq.) provides in Section 33431 that any sale or lease of Agency property may be made only after a public hearing of the Agency after publication of notice as provided by law; and

WHEREAS, the Agency held a public hearing on July 31, 2007, in the City Council Chambers to consider and act on the sale of the Property pursuant to the Agreement; and

NOW, THEREFORE, THE RICHMOND COMMUNITY REDEVELOPMENT AGENCY DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The Agency hereby finds and determines that the sale of the Property to EBC and development of the Improvements and performance of the Seismic Work by EBC, and the payment of funds by the Agency for the Seismic Work, all pursuant to the Agreement, are of benefit to the Redevelopment Project Area and the immediate neighborhood in which the Project is located; will assist in the elimination of blight within the Redevelopment Project Area; and are consistent with the Five-Year Implementation Plan for the Redevelopment Project adopted by the Agency pursuant to Health and Safety Code Section 33490. These findings are based upon the fact that the Property is being sold for purposes of the revitalization and renovation of the

Property and performance of the Seismic Work. These findings are further based upon the covenants and restrictions to be recorded against the Property ensuring the continued operation of the Property as a not-for-profit performing arts facility offering programs and training in theater, music and dance primarily to youth.

Section 2. The Agency hereby finds and determines that the purchase price for the Property to be paid by EBC is not less than the fair reuse value in accordance with the use restrictions set forth in the Agreement and the Redevelopment Plan. This finding is based upon the fact that the Property is being sold for purposes of the revitalization and renovation of the Property and performance of the Seismic Work. This finding is further based upon the covenants and restrictions to be recorded against the Property ensuring the continued operation of the Property as a not-for-profit performing arts facility offering programs and training in theater, music and dance primarily to youth.

Section 3. The Agency hereby approves the Agreement in substantially the form currently on file with the Agency Clerk. The Agency further approves and authorizes the sale of the Property to EBC, termination of the Existing Lease by the parties, and the payment of Agency funds for the Seismic Work, pursuant to the terms and conditions set forth in the Agreement.

Section 4. The Executive Director of the Agency is hereby authorized and directed to execute the Agreement on behalf of the Agency, subject to any minor conforming, technical or clarifying changes approved by Agency Counsel. The Executive Director is hereby further authorized and directed to take such further actions and execute such documents as are necessary to carry out the Agreement on behalf of the Agency, including without limitation the execution of deeds and all other actions and documents necessary for the sale of the Property to EBC and termination of the Existing Lease, recordation of the use restrictions against the Property, performance of the Seismic Work by EBC, and reimbursement by the Agency of the costs for the Seismic Work performed by EBC, in accordance with the Agreement.

PASSED AND ADOPTED by the Richmond Community Redevelopment Agency of the City of Richmond, California at a meeting held on the 31st day of July, 2007, by the following vote:

AYES: Boardmembers Bates, Butt, Lopez, Marquez, Rogers, Sandhu, Thurmond, Viramontes, and Mayor McLaughlin

NOES: None

ABSENT: None

ABSTAIN: None

DIANE HOLMES
Clerk of the Redevelopment Agency

(SEAL)

APPROVED:

GAYLE McLAUGHLIN
Chairperson

APPROVED AS TO FORM:

LOUISE RENNE, Interim
Agency Counsel

State of California }
County of Contra Costa : ss.
City of Richmond }

I certify that the foregoing is a true copy of Resolution No. 07-14, finally passed and adopted by the Redevelopment Agency at a meeting held on July 31, 2007.