

CHABOT-LAS POSITAS COMMUNITY COLLEGE DISTRICT

November 18, 2008

Agenda Item: 5.8

Subject: Approval of Memorandum of Understanding - Community Redevelopment Agency of the City of Union City

Background: The Redevelopment Agency of the City of Union City (Agency) owns property in the City of Union City that is in close proximity to the Union City Bay Area Rapid Transit (BART) station. The Chabot-Las Positas Community College District (District) has notified the Agency of its desire and intention to acquire the property pursuant to the Union City BART – Educational Hub Development, Request for Qualifications – RFQ #D-09 (“RFQ”).

Pursuant to the RFQ, the District and Agency will select jointly a developer (the “Developer”) to develop and construct thereon, in one or more phases, (i) a three to eight story building consisting of approximately 10,000 square feet classroom/office space facility, (ii) if feasible, a county library facility, and (iii) at least 40,000 square feet of office/retail space, along with certain other related improvements designed to attract additional commercial activity.

On assuming ownership of the property, the District provides a long-term lease for development by the selected Developer who privately finances, constructs, and owns all improvements on the property. The improvements are then maintained, marketed and operated by the selected Developer, or its successors, for the duration of the land lease. The improvements will be taxed by Union City at current rates. Upon expiration of the land lease, which cannot exceed thirty-five years, District will assume ownership of the entire project at no additional cost.

The development agreement among the Developer, Agency and District will outline the terms and conditions that will govern the development and transfer of the property from the Agency to the District.

Recommended Action: That the Board of Trustees approve the Memorandum of Understanding with Community Redevelopment Agency of the City of Union City. It is further recommended that the Board authorize the Vice Chancellor, Business Services, to execute the Memorandum of Understanding and any future addendas or amendments to the Memorandum of Understanding on behalf of the District.

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Submitted by: Lorenzo Legaspi/Date

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Approved: Joel L. Kinnamon/Date

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