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## No evident progress on Wilder stalemate, matter continued

By Sora O'Doherty

Having found for the first time that the developer of Wilder is in default on Aug. 16, the Orinda City Council took up the matter again on Sept. 27, but found little new and nothing to change the determination of default. However, Michael Olson, speaking on behalf of Brookside Land Company, said that he would be meeting with Orinda City Manager David Biggs in early October and hoped to resolve some of the issues relating to the completion of the Wilder project. The matter returned to the council on Oct. 11, after press time.

In August the city council received a letter from an attorney for OG LLC, stating that the developer had run out of funds and would not be completing the tasks remaining to finish the development. Olson had said that the letter had been a mistake, although agreeing that the developer did run out of funds.

Chief among the remaining tasks is the construction of the Red Tail Hawk trail staging area, which is supposed to be located at the far end of Wilder Road, and also to complete one of the trails. According to City Attorney Fran Layton, who had been the lead attorney on the Wilder project for many years, OG LLC is now proposing to relocate the Red Tail Hawk staging area to the existing parking lot as well as proposing that the trail the developer is required to build be eliminated.

Much of the council discussion on Sept. 27 focused on the status of completion bonds and endowments. At the completion of the development, some elements are to be turned over to the Orinda Geological Hazard Abatement District or the East Bay Regional Parks District, with the California Department Fish & Wildlife also holding a \$5.8 million bond for which recent premiums have not been paid by the developer.

The question arose whether the non-payment of premiums would affect the ability of the bond-holders to draw down the funds from the bonds to fulfill the developer's obligations. City Manager David Biggs said that a number of Wilder issues had just been discussed by the GHAD, and that many of the GHAD improvements could be completed with the bonds. Bruce Yamamoto, speaking for the developer, suggested that the bonds had benefitted from compounding and market appreciation and that their value was well above the level of funding actually required to maintain Wilder.

Biggs explained that from the developer's perspective, there are resources that can be applied to a global solution. "We'll be looking at that next week. City staff and the city attorney are trying to engage with everyone. We want to see this done in a comprehensive way, not piecemeal, for all the people who have an interest in seeing Wilder completed," he said.

Olson said that he wanted to "assure everyone that we are looking at all the issues, and meeting with all the parties. We are not walking away, not trying to drag this out. It just takes a long time. Hopefully this will occur next week."

Council Member Nick Kosla analogized the relationship between the developer and the community: "It's always been a great marriage, and now you are initiating divorce proceedings."

Olson replied, "I don't have any experience in divorce, but I hear that some can be very amicable and that is what we hope for."

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