

2018 MAR -1 PM 4: 40

OAKLAND CITY COUNCIL



City Attorney

RESOLUTION NO. 87107 C.M.S.

Introduced by Councilmember \_\_\_\_\_

RESOLUTION AUTHORIZING THE RIGHT TO NEGOTIATE AND EXECUTE AN EXCLUSIVE NEGOTIATING AGREEMENT, WITHOUT ENGAGING IN A COMPETITIVE SOLICITATION PROCESS, WITH ACTS COMMUNITY DEVELOPMENT CORPORATION AND THE RELATED COMPANIES OF CALIFORNIA, AND OR AFFILIATED ENTITIES, FOR ONE YEAR WITH ONE OPTIONAL SIX-MONTH ADMINISTRATIVE EXTENSION FOR THE POTENTIAL LEASE DISPOSITION AND DEVELOPMENT OF A MIXED-USE AFFORDABLE HOUSING PROJECT ON SEVEN CONTIGUOUS CITY-OWNED PARCELS (APNS 044-4967-002, 044-4967-003, 044-4967-004-02, 044-4967-004-03, 044-4967-005, 044-4967-007-01, AND 044-4967-009) LOCATED AT 95TH AVENUE AND INTERNATIONAL BOULEVARD.

WHEREAS, the City owns 0.66-acre of land composed of seven contiguous parcels (APNs 044-4967-002, 044-4967-003, 044-4967-004-02, 044-4967-004-03, 044-4967-005, 044-4967-007-01, and 044-4967-009) with frontage on International Boulevard between 94<sup>th</sup> Avenue and 95<sup>th</sup> Avenue; and

WHEREAS, the Property was acquired for economic development and the proposed action furthers the City's use of the Property; and

WHEREAS, Acts Community Development Corporation in partnership with The Related Companies of California (the "Developer"), has submitted an unsolicited proposal to the City to develop a mixed-use affordable housing and retail project on the Property; and

WHEREAS, the City and the Developer are interested in entering into a period of preliminary study and exclusive negotiations over the proposed disposition of the Property for the project, with the understanding that this does not constitute a binding commitment on the part of the City to any project or developer for the Property; and

WHEREAS, the City shall require the Developer to pay a nonrefundable Project Expense Payment of \$25,000 to reimburse the City for third-party expenses; now, therefore, be it

**RESOLVED:** That the City hereby authorizes the City Administrator to negotiate and enter into an Exclusive Negotiating Agreement ("ENA") with Acts Community Development Corporation in partnership with Related California and/or related entities or affiliates approved by the City administrator, for the purposes of developing a project proposal for the City Council

review and approval, undertaking the necessary environmental review process, and negotiating the terms and conditions of a Lease or Disposition and Development Agreement; and be it

**FURTHER RESOLVED:** That the initial exclusive negotiating period will be for twelve (12) months from the date of this Resolution, with the option for the City Administrator to extend said period by an additional six months in her sole discretion; and be it

**FURTHER RESOLVED:** That the \$25,000 nonrefundable Project Expense Payment from Developer will be accepted and appropriated to Miscellaneous Capital Projects Fund 5999, and Project to be determined later; and be it

**FURTHER RESOLVED:** That the City Council finds and determines, after independent review and consideration, that this action is not subject to CEQA pursuant to Section 15262 (feasibility and planning studies), and Section 15601(b)(3)(general rule) of the CEQA Guidelines; and be it

**FURTHER RESOLVED:** That the City Administrator is further authorized to negotiate and enter into agreements and take whatever action is necessary with respect to the ENA and the Property consistent with the Resolution and its basic purposes.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_ **MAR 20**, 2018

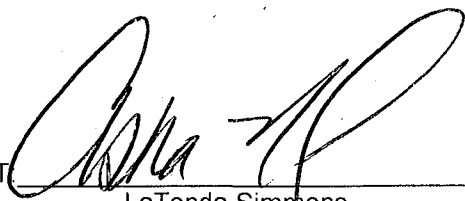
**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON McELHANEY, GUILLEN, KALB, KAPLAN AND PRESIDENT REID - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST   
LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California