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Approved as to Form and Legality

  
ORSA COUNSEL

## OAKLAND REDEVELOPMENT SUCCESSOR AGENCY

### RESOLUTION NO. 2016- , 0 1 1

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**A RESOLUTION AUTHORIZING THE ORSA ADMINISTRATOR OR DESIGNEE TO NEGOTIATE AND EXECUTE A PURCHASE AND SALE AGREEMENT AND RELATED DOCUMENTS BETWEEN THE OAKLAND REDEVELOPMENT SUCCESSOR AGENCY AND 11 WEST PARTNERS, OR A LEGAL ENTITY AFFILIATED WITH 11 WEST PARTNERS, FOR THE SALE OF 822 WASHINGTON STREET, OAKLAND, CA 94607 FOR NOT LESS THAN ONE MILLION EIGHT HUNDRED THOUSAND DOLLARS (\$1,800,000), IN A FORM AND CONTENT SUBSTANTIALLY IN CONFORMANCE WITH THE TERM SHEET; AND TO MAKE CERTAIN CALIFORNIA ENVIRONMENTAL QUALITY ACT EXEMPTION FINDINGS**

**WHEREAS**, the Oakland Redevelopment Successor Agency (“ORSA”) owns a vacant parking lot (“Property”) consisting of about 7,545 square feet (APN: 1-201-10) located at 822 Washington Street as depicted in Attachment A; and

**WHEREAS**, the Property is to be sold in an “AS-IS” condition, and ORSA makes no representations regarding land use or other permitting issues that may affect the Property; and

**WHEREAS**, an independent contract appraisal establishes the Property’s approximate value at \$1,800,000; and

**WHEREAS**, the Property’s general plan classification is Central Business District, and the Property is zoned CBD-P/S-7, consistent with the area’s current commercial uses; and

**WHEREAS**, 11 West Partners delivered a signed Letter of Intent dated October 6, 2016 for the purchase of the Property for \$1,800,000; and

**WHEREAS**, after the Property is sold to 11 West Partners, the City will receive property taxes; and

**WHEREAS**, pursuant to Ordinance No. 13287 C.M.S. § 2.42.050(B)(5), “... the requirement to undertake a competitive process ... shall not apply [if the ORSA Board] has made a finding and determination that it is in the best interests of the City to sell the real property by negotiated sale”;

**WHEREAS**, pursuant to Resolution No. 85324 C.M.S., "... exceptions to this general policy [of lease rather than sell] may be made on a case-by-case basis; ....";

**WHEREAS**, the requirements of the California Environmental Quality Act of 1970 ("CEQA"), the CEQA Guidelines as prescribed by the Secretary of the Resources Agency, and the provisions of the Environmental Review Regulations of the City of Oakland have been satisfied; now, therefore

**Resolved:** That the sale of the Property to 11 West Partners is in the City's best interest resulting in returning the Property to the tax rolls and generating revenue for the General Purpose Fund.

**Resolved:** That the ORSA Administrator, or designee, is authorized to enter into a Purchase Agreement for a sales price of not less than \$1,800,000 with 11 West Partners, and to execute a Quitclaim Deed conveying the Property.

**Resolved:** That pursuant to California Health and Safety Code § 34191.5(c)(2)(B), "If the [long-range property management] plan directs the liquidation of the property or the use of revenues generated from the property, ... the proceeds shall be distributed as property tax to the taxing entities." Therefore, the sales proceeds will be deposited into the SRA Central District Operations (9710), Real Estate Services Organization (88639), Surplus Property Account (48111), Real Estate Program (PS32), Undetermined Project (0000000), Undetermined Program (0000).

**Resolved:** That the ORSA Board finds and determines, based on the information in the staff report accompanying this Resolution, that it is in the best interests of ORSA to sell the real property by negotiated sale. Therefore, the ORSA Board waives the competitive process.

**Resolved:** That the ORSA Board finds and determines that ORSA's Long Range Property Management Plan (approved by Resolution No. 2014-004 C.M.S.) already "allow[s] ORSA to proceed with the sale of various properties...." Therefore, the ORSA Board waives the requirement that the ORSA Administrator provide reasons to support a sale rather than a lease of the Property.

**Resolved:** That the ORSA Board has independently reviewed and considered this environmental determination, and the ORSA Board finds and determines, based on the information in the staff report accompanying this Resolution, that it can be seen with certainty that there is no possibility that the conveyance of the Property by ORSA to 11 West Partners may have a significant effect on the environment. Therefore, this action is not a project under the California Environmental Quality Act (CEQA).

**Resolved:** That the ORSA Administrator and the Manager of the Real Estate Division are hereby authorized to negotiate, execute, amend, modify, or extend all agreements, and to take any and all actions necessary, consistent with this Resolution, to complete the sale of the Property.

**Resolved:** That the Purchase Agreement and any other documents necessary for the sale of this Property shall be approved as to form and legality by the ORSA Counsel's Office, and a copy shall be filed with the Office of the City Clerk.

**Resolved:** That this Resolution shall become effective immediately upon final adoption if it receives six or more affirmative votes; otherwise, it shall become effective upon the seventh day after final adoption.

BY SUCCESSOR AGENCY, OAKLAND, CALIFORNIA

PASSED BY THE FOLLOWING VOTE:

DEC 13 2016

BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, and  
PRESIDENT GIBSON MCELHANEY 8

AYES- 0

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST: LaTonda Simmons for  
LaTonda Simmons, Secretary  
of the Oakland Redevelopment  
Successor Agency

DATE OF ATTESTATION: 12/16/2016

**Attachment A: Parcel Map and Aerial Map of Subject Site**

