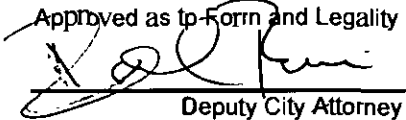


2013 SEP 26 PM 1:51

Approved as to Form and Legality

Deputy City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. 84666 C.M.S.

RESOLUTION AMENDING RESOLUTION NOS. 83746 AND 84574 C.M.S. AUTHORIZING AN EXCLUSIVE NEGOTIATING AGREEMENT FOR THE COLISEUM CITY PROJECT AT THE OAKLAND-ALAMEDA COUNTY COLISEUM COMPLEX AND SURROUNDING AREAS WITH JRDV URBAN INTERNATIONAL, HKS SPORTS AND ENTERTAINMENT, HKS INC., AND FOREST CITY REAL ESTATE SERVICES LLC, AND AFFILIATES TO (1) AUTHORIZE A 12 MONTH EXTENSION WITH A SIX MONTH ADMINISTRATIVE EXTENSION OPTION, (2) ADD BAY INVESTMENT GROUP, LLC., AS A PARTY, AND (3) MODIFY THE PROJECT DELIVERABLES

WHEREAS, the City recognizes the Oakland-Alameda County Coliseum Complex site and surrounding area as an ideal location for a world class mixed use, sports, office, hotel and entertainment complex, all accessible to multiple modes of transportation, taking advantage of the proximity to the waterfront and the Oakland International Airport; and

WHEREAS, City Council Resolution No. 83747 C.M.S. originally authorized the City to enter into an Exclusive Negotiating Agreement (“ENA”) with JRDV Urban International, HKS Sports and Entertainment, HKS Inc., and Forest City Real Estate Services LLC, or affiliated entities, as the preferred developer team for the Coliseum City project; and

WHEREAS, on March 6, 2012, the City entered into a one year ENA and later granted a six month administrative extension to JRDV Architects, Inc., HKS Architects, Inc., and Forest City Real Estate Services, LLC, for the Coliseum City project; and

WHEREAS, City Council Resolution No. 84574 C.M.S. authorized the City to extend the ENA for an additional 45 days to allow the master developer to complete the project deliverables and provide the City to conduct additional due diligence regarding a new proposed third party entity investor; and

WHEREAS, the master developer team has successfully completed the required predevelopment deliverables including but not limited to: physical site analysis; infrastructure cost assessments; concept plans; transit hub conceptual plans; preliminary market analysis and assessments;

Specific Plan and CEQA/EIR consultant team coordination; and completion of a Coliseum City Master Plan; and

WHEREAS, as a result of completing this predevelopment work under the ENA deliverables, the master developer team has since attracted a new equity investor partner, Bay Investment Group, LLC., who is currently interested in the partnering in the Coliseum City project; and

WHEREAS, without any additional extensions, the Coliseum City ENA is currently set to expire on October 21, 2013; and

WHEREAS, the City desires to continue negotiations with the existing master developer team and new third party investor to provide additional time to conduct further market study analysis sufficient to recommend and propose a series of new equity public-private financial deal structures and allow for completion of the separate Specific Plan and CEQA/EIR process; now, therefore, be it

RESOLVED: That the City Council hereby amends Resolution Nos. 83747 and 84574 C.M.S. to authorize the City Administrator, or her designee, to negotiate and enter into a third amendment to the ENA with JRDV Architects, Inc., HKS Architects, Inc., and Forest City Real Estate Services, LLC, for the Cohseum City project to (1) extend the current exclusive negotiating period for an additional twelve months with a six month administrative option to extend, (2) add Bay Investment Group, LLC., as a party, and (3) modify the project deliverables.

IN COUNCIL, OAKLAND, CALIFORNIA, OCT 15 2013,

PASSED BY THE FOLLOWING VOTE:

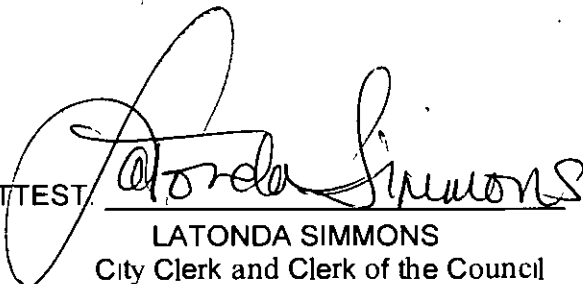
AYES- BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAH, ~~REID~~, SCHAAF - 6
~~REID, KERNIGHAN~~

NOES- 0

ABSENT- 0

ABSTENTION- 0

Excused - Reid, Kernighan - 2

ATTEST 
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California