

*N. Miller*

City Attorney

REVISED  
OAKLAND CITY COUNCIL

RESOLUTION No. **81649** C.M.S.

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

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A BILLBOARD FRANCHISE AGREEMENT WITH CLEAR CHANNEL OUTDOOR, INC. (CCO) ALLOWING CCO TO CONSTRUCT A NEW BILLBOARD ON WATTLING STREET AT 38<sup>TH</sup> AVE IN EXCHANGE FOR CCO: (1) REMOVING AND WAIVING ITS RIGHTS TO COMPENSATION, INCLUDING ALL REAL PROPERTY AND PERSONAL PROPERTY INTERESTS, FOR FIFTEEN (15) BILLBOARDS AT VARIOUS LOCATIONS IN OAKLAND; AND (2) MAKING A ONE-TIME CONTRIBUTION OF \$125,000 TO THE AFTER SCHOOL 6-9 PM SPORTS PROGRAM AT CESAR CHAVEZ EDUCATION CENTER.**

09 FEB 11 11:11 AM  
OFFICE OF THE CITY CLERK  
OAKLAND

**WHEREAS**, Clear Channel Outdoor, Inc. (CCO), proposes to waive their rights to compensation, including all real property and personal property interests, and remove fifteen (15) billboards in Oakland in exchange for a billboard franchise agreement allowing Clear Channel Outdoor, Inc to reconstruct a billboard on Watling Street at 38<sup>th</sup> Ave (APN: 033-2169-016-01; 033-2169-016-02; 033-2170-003-00); and

**WHEREAS**, removal of a number of billboards at various locations throughout the City is consistent with the City's objective to remove billboard signage throughout Oakland to enhance the City's physical attributes; and

**WHEREAS**, all the proposed billboards will be removed by Clear Channel at its sole cost and expense; and

**WHEREAS**, the proposed billboard Franchise agreement would permit Clear Channel to construct one new billboard on Watling Street at 38<sup>th</sup> Ave (APN: 033-2169-016-01; 033-2169-016-02; 033-2170-003-00) for a total square footage of 2,016; and

**WHEREAS**, Clear Channel would remove at least fifteen billboards totaling at least 4,500 square feet from various locations around the City of Oakland, resulting in a net decrease of sign area in the City; and

**WHEREAS**, the proposed billboard Franchise agreement will require Clear Channel to provide documentation satisfactory to the City that Clear Channel has fully complied with the Amortization Settlement Agreement between the City and Clear Channel's predecessor, Eller Media Company, effective November 3, 1999; and

**WHEREAS**, the proposed billboard Franchise agreement complies with the existing City regulations that permit relocated and wholly reconstructed advertising signs pursuant to a billboard Franchise agreement; now, therefore be it

**RESOLVED:** That the City Council authorizes the City Administrator to enter into a billboard Franchise agreement with Clear Channel Outdoor, Inc. ("CCO"): (1) allowing CCO to remove and waive its rights to compensation, including all real property and personal property interests, for fifteen (15) billboards at various locations, as designated in Exhibit A to this

Resolution, in exchange for construction of a new billboard on Wattling Street at 38<sup>th</sup> Ave (APN: 033-2169-016-01; 033-2169-016-02; 033-2170-003-00): ; and be it

**FURTHER RESOLVED:** That Clear Channel Outdoor will make a one-time contribution of \$125,000 to the 6-9 PM After School Sports Program at Cesar Chavez Education Center; and be it

**FURTHER RESOLVED:** That the billboard Franchise agreement will require Clear Channel to provide documentation satisfactory to the City that Clear Channel has fully complied with the Eller Media Co. Amortization Settlement Agreement between the City and Clear Channel's predecessor, Eller Media Company, effective November 3, 1999; and be it

**FURTHER RESOLVED:** That the City Administrator or her designee is authorized to complete all the required negotiations regarding the terms of, and to execute, a billboard Franchise agreement with Clear Channel in accordance with the intent of this resolution, and including other conditions and enforcement mechanisms as will be recommended by the City Attorney; and be it

**FURTHER RESOLVED:** That the City Attorney shall approve the billboard Franchise agreement as to form and legality.

**NOV 03 2008**

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2008

**PASSED BY THE FOLLOWING VOTE:**

AYES - DE LA FUENTE, KERNIGHAN, NADEL, QUAN, BROOKS, REID, KAPLAN, and  
PRESIDENT ~~BRUNNER~~ - 7

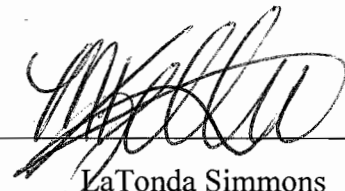
NOES - 0

ABSENT - 0

ABSTENTION - 0

EXCUSED - BRUNNER - 1

ATTEST:



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

## EXHIBIT A

### **BILLBOARDS TO BE REMOVED**

1. San Leandro Blvd & 39<sup>th</sup> Ave (Billboard # 002024), 300 Square Feet
2. San Leandro Blvd & 40<sup>th</sup> Ave (Billboard # 002025), 300 Square Feet
3. Fruitvale Blvd near San Leandro (Billboard # 001858), 300 Square Feet
4. Fruitvale Blvd near San Leandro (Billboard # 001859), 300 Square Feet
5. Foothill Blvd & 42<sup>nd</sup> Ave (Billboard # 001827), 300 Square Feet
6. Foothill Blvd & Rosedale Ave (Billboard # 001826), 300 Square Feet
7. Foothill Blvd & 38<sup>th</sup> Ave (Billboard # 001825), 300 Square Feet
8. Foothill Blvd & Bridge Ave (Billboard # 001824), 300 Square Feet
9. Foothill Blvd & 36<sup>th</sup> Ave (Billboard # 001823), 300 Square Feet
10. Foothill Blvd & 35<sup>th</sup> Ave (Billboard # 001821), 300 Square Feet
11. Foothill Blvd & 34<sup>th</sup> Ave (Billboard # 001819), 300 Square Feet
12. Foothill Blvd & 34<sup>th</sup> Ave (Billboard # 001818), 300 Square Feet
13. Foothill Blvd & 27<sup>th</sup> Ave (Billboard # 001815), 300 Square Feet
14. 2000 MacArthur Blvd (Billboard #001928), 300 Square Feet
15. 661 International (Billboard #001708), 300 Square Feet

**TOTAL SQUARE FOOTAGE: 4,500**