

Approved as to Form and Legality:


Deputy City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. 85806 C.M.S.

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO NEGOTIATE AND EXECUTE AN EXCLUSIVE NEGOTIATING AGREEMENT WITH PRIMESTOR DEVELOPMENT, INC. OR ITS RELATED ENTITIES OR AFFILIATES FOR TWELVE MONTHS WITH ONE OPTIONAL SIX MONTH ADMINISTRATIVE EXTENSION FOR THE DEVELOPMENT OF 3050 INTERNATIONAL BOULEVARD ON APN NO. 025-0719-007-01.

WHEREAS, the City of Oakland (“City”) owns approximately 32,500 square feet (APN#: 025-0719-007-01) property located at 3050 International Boulevard (“Property”); and

WHEREAS, Primestor Development, Inc. (“Primestor”) submitted a proposal to purchase or lease the Property to develop a new Nike Community Store featuring a modern building design consisting of approximately 17,000 square feet building (the “Project”) on the Property; and

WHEREAS, the City and Primestor wish to enter into a period of preliminary study and exclusive negotiations of the proposed Project, with the understanding that such study and negotiations do not constitute a binding commitment on the part of the City to the proposed Project or Primestor for the Property; now, therefore, be it

RESOLVED: That the City Council hereby authorizes the City Administrator or designee to negotiate and enter into an Exclusive Negotiating Agreement (“ENA”) with Primestor its related entities or affiliates for the purposes of studying and evaluating the feasibility of the development of the proposed Project for the development of the Nike store for City review and approval, undertake the necessary environmental review process, and negotiate the terms and conditions of a Lease Disposition and Development Agreement (“LDDA”); and be it

FURTHER RESOLVED: That this property on APN#: 025-0719-007-01 is located at 3050 International Boulevard is exempt from the State Surplus Lands Act because the Property has not been in the City’s use;

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

FURTHER RESOLVED: That the ENA shall be reviewed and approved as to form and legality by the City Attorney's Office prior to execution; and be it

FURTHER RESOLVED: That the City finds and determines, after independent review and consideration, that the authorization to enter into the ENA with Primestor is exempt from CEQA pursuant to Section 15262 (feasibility and planning studies), Section 15306 (information collection) and Section 15061(b)(3) (general rule) of the CEQA Guidelines; and be it

FURTHER RESOLVED: That the City Administrator or her designee shall cause to be filed with the County of Alameda a Notice of Exemption for this action; and be it

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

OCT 06 2015

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

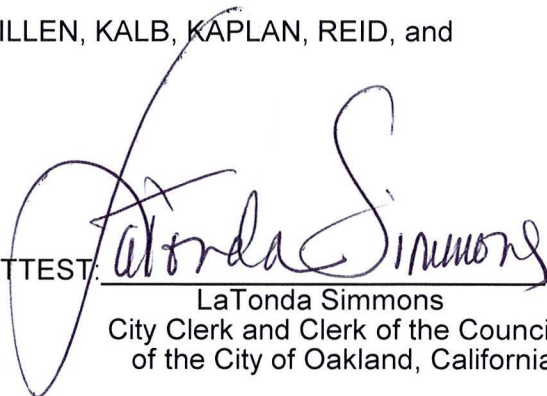
AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, and
PRESIDENT GIBSON McELHANEY - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:



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