

2023 MAY 11 PM 7:33

APPROVED AS TO FORM AND LEGALITY

FILED
OFFICE OF THE CITY CLERK
OAKLAND


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 89770 C.M.S.

A RESOLUTION (1) AUTHORIZING A SECOND AMENDMENT TO THE EXCLUSIVE NEGOTIATION AGREEMENT WITH THE MUSEUM OF JAZZ & ART FOR DEVELOPMENT OF A MUSEUM AND ART FACILITY ON CITY-OWNED PROPERTY LOCATED AT THE NORTHWEST CORNER OF OAK STREET AND 13TH STREET, TO EXTEND THE TERM AND RELATED PERFORMANCE DEADLINES BY EIGHTEEN MONTHS (RETROACTIVELY, IF NECESSARY) WITH AN ADDITIONAL SIX-MONTH ADMINISTRATIVE EXTENSION, CONDITIONED ON PAYMENT OF AN ADDITIONAL \$10,500 EXCLUSIVE NEGOTIATION PAYMENT; AND (2) ADOPTING CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

WHEREAS, the City of Oakland (“City”) owns a 0.75 acre parcel of land located on the northwest corner of Oak Street and 13th Street (Assessor Parcel Number 002-0091-001) (the “Property”), which is improved with a single-story building constructed in 1911 as a Beaux Arts derivative which is approximately 4,500 square feet in gross building area (the “Fire Alarm Building”); and

WHEREAS, on December 31, 2020, pursuant to Resolution No. 88260 C.M.S., the City and Museum of Jazz & Art, a California nonprofit corporation (“Developer”) entered into that certain Exclusive Negotiation Agreement (1310 Oak Street – Fire Alarm Building), as amended on February 23, 2022 (the “ENA”) for the adaptive reuse and development of the Fire Alarm Building as a jazz museum and art facility (the “Project”); and

WHEREAS, the ENA has performance deadlines for Developer to meet; and

WHEREAS, Developer has been working to satisfy the deadlines but needs additional time; and

WHEREAS, the City and Developer need additional time to negotiation the terms of a Lease Disposition and Agreement and Ground Lease for the disposition of the Property; now, therefore, be it

RESOLVED: That the City Council hereby authorizes the City Administrator to extend the ENA and related performance deadlines for an eighteen (18) month period from December 31, 2022, with an option to extend such period for an additional six-month period at the discretion of the City Administrator; and be it

FURTHER RESOLVED: That the City Council shall require an additional Exclusive Negotiation Payment in the amount of nonrefundable \$10,500 for negotiating the ENA; and be it

FURTHER RESOLVED: That the City Council authorizes the City Administrator to accept, appropriate, and administer the nonrefundable Exclusive Negotiation Payment of \$10,500 in Miscellaneous Capital Projects Fund (5999), Central District Redevelopment Organization (85245), Fire Alarm Building PEP Project (1005773); and be it

FURTHER RESOLVED: That the City Council finds and determines any proposed disposition of the Property will require further discretionary actions of the City Council, and the City retains full discretion, following conclusion of the negotiation period set forth in ENA, as amended, to proceed with disposition of its interest in the Property in compliance with the California Environmental Quality Act ("CEQA"); and be it

FURTHER RESOLVED: That the City Council finds and determines, after independent review and consideration, that this action will not result in direct or indirect physical change in the environment and does not in-and-of-itself constitute a "project" pursuant to CEQA Guidelines Section 15378; and be it

FURTHER RESOLVED: That the City Administrator is further authorized to negotiate and execute documents and take all other action necessary with respect to the ENA and the Project, consistent with this Resolution and its basic purposes, as shall be approved for form and legality by the City Attorney.

IN COUNCIL, OAKLAND, CALIFORNIA,

JUN 6 2023

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, ~~JENKINS~~, KALB, KAPLAN, ~~RAMACHANDRAN~~, REID, AND
PRESIDENT FORTUNATO BAS — 6

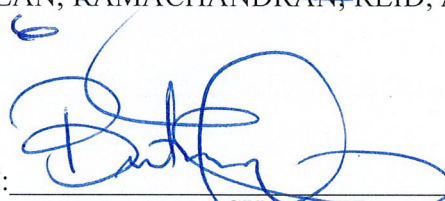
NOES - 0

ABSENT - 0

ABSTENTION - 0

2 Excused - Jenkins &
Ramachandran

ATTEST:



ASHA REED

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