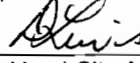


FILED
OFFICE OF THE CITY CLERK
OAKLAND

2010 APR -1 PM 1:10

Approved as to Form and Legality


Oakland City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. 82679 C.M.S.

Introduced by Councilmember _____

A RESOLUTION 1) AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A LEASE FOR THE PIEDMONT AVENUE BRANCH LIBRARY PROPERTY AT 160 – 41ST STREET WITH GOODHUE PROPERTY INVESTMENTS FOR ONE YEAR WITH A ONE (1) YEAR RENEWAL OPTION, SUBJECT TO FUNDING APPROVAL FOR FISCAL YEARS 2011-2013, FOR AN INITIAL RENT NOT TO EXCEED \$4,250 PER MONTH, PLUS THE COST OF UTILITIES, TAXES, SERVICES AND INDEX ADJUSTMENTS, AND 2) APPROPRIATING \$34,000 FROM MEASURE Q FUND 2240 FOR RENT PAYMENTS FOR FISCAL YEAR 2010-2011

WHEREAS, the City of Oakland has occupied 160-41st Street for the Piedmont Avenue Branch Library since 1932; and

WHEREAS, the current owners, Goodhue Property Investments (“Owners”), lease the 2,500 square foot commercial building at 160-41st Street, Oakland, CA (the “Premises”) to the City for library use; and

WHEREAS, the current rental agreement terminates October 31, 2010; and

WHEREAS, the City of Oakland wishes to continue to occupy this location because it is adjacent to a commercial corridor, convenient to residents in the area, and the library is very well used; and

WHEREAS, the continuation of the library at this location will benefit not only area residents, but also others throughout the City; and

WHEREAS, the City desires to Lease the property for an additional one (1) year period, with a one (1) year lease renewal option; and

WHEREAS, funding for the Lease payments is available for fiscal year (“FY”) 2010-2011, and an additional appropriation will be required to fund the Lease after June 2011; and

WHEREAS, the Owners require a monthly rental rate of \$4,250, with an annual rent escalator not to exceed the Consumer Price Index (San Francisco-Oakland-San Jose, Ca) (“CPI”); and be it

WHEREAS, the requirements of CEQA, the CEQA Guidelines as prescribed by the Secretary for Resources, and the provisions of the Environmental Review Regulations of the City of Oakland have been met; now, therefore, be it

RESOLVED: That the City Council hereby finds and determines that it would be in the best interests of the City to continue to provide a public library at this location; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to negotiate and execute a Lease for a one (1) year term, with payments approved through June 2011, and additional payments subject to approval by the City Council, for the sum of \$4,250 per month rent for the first year, effective November 1, 2010, with a single one (1) year option to extend with a rent escalator not to exceed the CPI; and be it

FURTHER RESOLVED: That \$34,000 for eight months of lease payments in FY 2010-11 shall be appropriated from Measure Q Fund (2240) Org. (61121) Account (52212) Project (0000000) Program (NB37). Funding for the balance of four months remaining in the one year lease term, and funding for renewal under the one-year option, will be addressed as part of the City’s FY 2011-13 Budget process; and be it

FURTHER RESOLVED: That the cost for Utilities is currently paid and will continue to be paid from City Facilities Services Fund (4400) Org. (30634) Account (53112) and (53114) Project (0000000) Program (712M); and be it

FURTHER RESOLVED: That to the extent permitted by law, the City shall reimburse the Owner for the portion of property taxes subject to the Institutional Exemption applied by the County Tax Collector. The institutional exemption should apply because the site is used for a free public library. As permitted by applicable law, the reimbursement for property taxes will be paid out of Fund (1010) Org. (88639) Account (53511) Project (0000000) Program (PS32); and be it

FURTHER RESOLVED: That the City Administrator or his designee is hereby authorized to negotiate, execute, amend, extend, and renew the Lease without returning to the City Council, and to take any and all actions necessary and consistent with this Resolution; and be it

FURTHER RESOLVED: That The City Council has independently reviewed and considered this environmental determination, and the Council finds and determines, based on the information in the staff report accompanying this Resolution, that this action complies with CEQA because this action on the part of the City is exempt from CEQA pursuant to Section 15061(b)(3) (no possibility of significant environmental impact), and Section 15301 (existing facilities) of the CEQA guidelines; and be it

FURTHER RESOLVED: That the City Administrator or his designee, shall cause to be filed with the County of Alameda, a Notice of Exemption and an Environmental Declaration (California Fish and Game Code Section 711.4) for this action; and be it

FURTHER RESOLVED: That the City Administrator shall cause to be filed with the County of Alameda a Notice of Exemption; and be it

FURTHER RESOLVED: That the Lease and other documents shall be approved as to form and legality by the Office of the City Attorney and a copy shall be placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, APR 20 2010

PASSED BY THE FOLLOWING VOTE:

AYES - ~~Brooks~~, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, AND PRESIDENT BRUNNER ~ 7

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - Brooks - 1

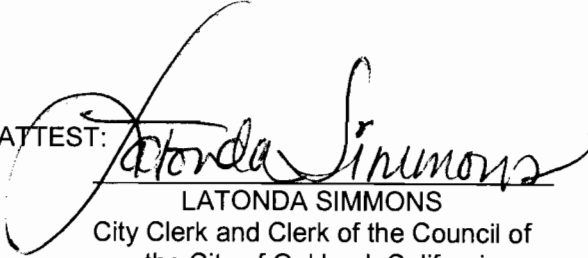
ATTEST: 
LATONDA SIMMONS
City Clerk and Clerk of the Council of
the City of Oakland, California

EXHIBIT A

160 - 41St Street



It is imperative that you obtain BOTH the Zoning and General Plan designations for the property(s) you are searching for.

Questions? Contact a planner at (510)238-3911.

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