

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2020 DEC 16 AM 12:22

Approved as to Form and Legality


City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. 88435 C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO AMEND AN EXISTING EXCLUSIVE NEGOTIATION AGREEMENT BETWEEN THE CITY AND LONGFELLOW CORNER L.P., AN AFFILIATE OF RESOURCES FOR COMMUNITY DEVELOPMENT, FOR THE DEVELOPMENT OF THE CITY OWNED REAL PROPERTY LOCATED AT 3823-3829 MARTIN LUTHER KING JR WAY, TO EXTEND THE TERM BY AN ADDITIONAL EIGHTEEN MONTHS FROM DECEMBER 12, 2020, TO JUNE 12, 2022, WITH ONE ADMINISTRATIVE OPTION TO EXTEND THE TERM AN ADDITIONAL SIX MONTHS TO DECEMBER 12, 2022, TO ALLOW THE PARTIES TO NEGOTIATE THE TERMS OF A LEASE / DISPOSITION AND DEVELOPMENT AGREEMENT AND RELATED DOCUMENTS FOR FUTURE CONSIDERATION BY THE CITY COUNCIL

WHEREAS, the City of Oakland (the "City") owns two contiguous parcels located at 3823-3829 Martin Luther King Jr. Way (the "City Parcels"), and Resources for Community Development, a 501c3 non-profit public benefit corporation ("RCD"), owns two contiguous neighboring parcels located at 3801-3807 Martin Luther King Jr. Way (the "RCD Parcels" and together with the City Parcels, the "Property"); and

WHEREAS, in response to a May 11, 2018, City issued Request for Proposals ("RFP"), RCD proposed to combine the RCD Parcels with the City Parcels to build a sixty-eight (68) unit affordable housing project at the Property to be commonly known as Long Fellow Corner (the "Project"); and

WHEREAS, City Council Resolution No. 87468 C.M.S, authorized the City to enter an Exclusive Negotiation Agreement with RCD or its affiliate to initiate a period of environmental review and exclusive negotiations with respect to a Lease Disposition and Development Agreement ("LDDA") for a maximum of eighteen-months, with the option to extend for a period of six-months; and

WHEREAS, on July 30, 2019, the City entered into an eighteen-month Exclusive Negotiation Agreement (the "ENA") with Longfellow Corner, L.P., an affiliate of RCD ("Developer"), and on June 10, 2020, the City authorized a six-month administrative extension of the ENA; and

WHEREAS, to better evaluate the impact of the environmental concerns at the Property and to receive oversight direction from the Department of Toxic Substances Control (“DTSC”), the Property is currently under environmental review by RCD and the City; and

WHEREAS, further environmental investigations are necessary to assess the scope of the contamination and potential disposition of the City Parcels; and

WHEREAS, the ENA is set to expire on December 12, 2020, and City staff desires to provide additional time for the Developer to continue the environmental investigations and negotiations with the City of the terms of the potential disposition; and

WHEREAS, Staff proposes an extension of an additional eighteen-month period, with an administrative option to extend the term for an additional six-months; now, therefore, be it

RESOLVED: That the City Administrator or designee is authorized to negotiate and execute an amendment to the ENA with Developer to extend the current exclusive negotiating period for an additional eighteen-months, with the option to extend said period an additional six-months at the sole discretion of the City Administrator and take any other action with respect to the ENA and the Project consistent with this Resolution and its basic purpose; and be it

FURTHER RESOLVED, That the agreements shall be reviewed and approved by the Office of the City Attorney for form and legality.

IN COUNCIL, OAKLAND, CALIFORNIA,

DEC 15 2020

PASSED BY THE FOLLOWING VOTE:

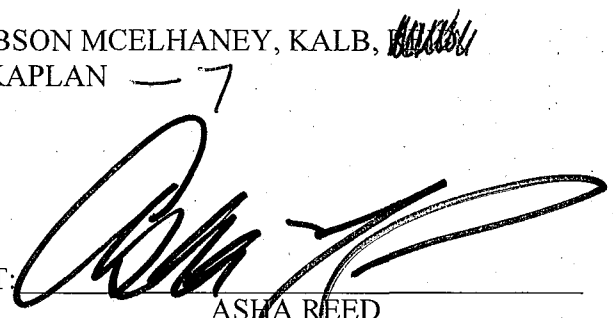
AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, ~~WALSH~~
TAYLOR, THAO AND PRESIDENT KAPLAN - 7

NOES - 0

ABSENT - 1 Reed

ABSTENTION - 0

ATTEST:



ASHA REED
Acting City Clerk and Clerk of the
Council of the City of Oakland, California