

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2018 OCT 10 PM 3:54

Approved as to Form and Legality

DRAFT

City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. _____ C.M.S.

OPTION 2

RESOLUTION EXERCISING THE WAIVER OF COMPETITIVE PROCESS SET FORTH IN CHAPTER 2.42.050 OF THE OAKLAND MUNICIPAL CODE AND DIRECTING THE CITY ADMINISTRATOR TO ISSUE A NOTICE OF OFFER PURSUANT TO THE STATE SURPLUS LAND ACT FOR THE DISPOSITION AND DEVELOPMENT OF THE FIRE ALARM BUILDING AT 1310 OAK STREET AND, IF NO OTHER PROPOSAL IS RECEIVED, TO COMMENCE NEGOTIATIONS FOR THE LEASE AND DEVELOPMENT OF THE PROPERTY WITH THE MUSEUM OF JAZZ AND ART

WHEREAS, the City of Oakland ("City") owns 0.75-acre of land located at 1310 Oak Street (Assessor Parcel Number 002-0091-001) (the "Property"); and

WHEREAS, the Property is improved with the historic Fire Alarm Building and associated parking that serves various City departments and a private restaurant; and

WHEREAS, the City has received an unsolicited proposal from the Museum of Jazz and Art to ground lease the Property for the development of a museum; and

WHEREAS, the City desires to waive the competitive process, pursuant to Chapter 2.42.050 of the Oakland Municipal Code; and

WHEREAS, the City desires to issue noticing consistent with the State Surplus Land Act for development of the Property; and

WHEREAS, the requirements of the California Environmental Quality Act ("CEQA"), the CEQA guidelines as prescribed by the Secretary of Resources, and the provisions of the Environmental Review Regulation have been satisfied; now, therefore, be it

RESOLVED: That the City Council directs the City Administrator or her designee to draft and issue noticing consistent with the State Surplus Land Act for the development of the Property and take all other actions with respect to the Surplus Land Act noticing consistent with this Resolution and its basic purpose; and be it further

RESOLVED: That the City Council directs the City Administrator, after the 60-day noticing period required by the SLA, to negotiate with any proposed purchasers for 90-days as required by the SLA and bring the results back to City Council for further direction; and be it further

RESOLVED: That the City Council directs the City Administrator to commence negotiations with the Museum of Jazz and Art if no other proposals are received pursuant to the Surplus Land Act notice of offer; and be it further

RESOLVED: That the Oakland City Council has made a finding and determination that it is in the best interests of the City to sell the Property by negotiated sale; and be it further

RESOLVED: That this action does not constitute a “project” within the definition of CEQA Guideline Section 15378 that would have the potential for resulting in either a direct physical change or a reasonably foreseeable indirect physical change in the environment. To the extent a project is determined to exist, the City Council has independently reviewed and considered this action, and the City Council finds and determines that it complies with CEQA because this action is exempt from CEQA under Section 15061(b)(3) (common sense exemption, no significant effect on the environment) and Section 15262 (Feasibility and Planning Studies) of the CEQA guidelines; and be it further

RESOLVED: That the City Administrator shall return to the City Council for approval of any Exclusive Negotiation Agreement; and be it further

RESOLVED: That the City Administrator shall return to the City Council for approval of any sale or long-term lease of the Property; and be it further

RESOLVED: That the City Attorney shall review and approve all documents and agreements related to this transaction as to form and legality, and a copy shall be placed with the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2019

PASSED BY THE FOLLOWING VOTE:

AYES - FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, TAYLOR, THAO AND PRESIDENT KAPLAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California