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Approved as to Form and Legality

  
Deputy City Attorney

## OAKLAND CITY COUNCIL

RESOLUTION No. 85 439 C.M.S.

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**RESOLUTION AUTHORIZING AN EXCLUSIVE NEGOTIATING AGREEMENT WITH AMG & ASSOCIATES OR RELATED AFFILIATE FOR THE SALE AND DEVELOPMENT OF THE PROPERTY LOCATED AT 10451 MACARTHUR BOULEVARD; AND AUTHORIZING AN EXCLUSIVE NEGOTIATING PERIOD OF ONE YEAR AND ONE OPTIONAL SIX MONTH ADMINISTRATIVE EXTENSION**

**WHEREAS**, the City owns approximately 0.528 acres of property located at 10451 MacArthur;  
and

**WHEREAS**, on December 21, 2012, the City issued a Request for Proposals to develop the  
Property; and

**WHEREAS**, AMG & Associates ("AMG") submitted a proposal to purchase the Property and develop a 5-story mixed use affordable/workforce rental housing project, with approximately 69 residential units, and approximately 4,250 square feet of ground floor retail, and parking (the "Project") on the site; and

**WHEREAS**, the City and AMG wish to enter into a period of preliminary study and exclusive negotiations over the proposed Project, with understanding that this does not constitute a binding commitment on the part of the City to any project or developer for the Property; now, therefore, be it

**RESOLVED**: That the City hereby authorizes the Interim City Administrator to negotiate and enter into an Exclusive Negotiating Agreement ("ENA") with AMG or related affiliate for the purposes of developing a project proposal for City review and approval, undertaking the necessary environmental review process, and negotiating the terms and conditions of a Disposition and Development Agreement ("DDA"); and be it

**FURTHER RESOLVED**: That the initial exclusive negotiating period will be for twelve (12) months from the date of the execution of the ENA, with the option by the City to extend said period by an additional six months with the approval of the City Administrator in his/her sole discretion; 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 this action complies with CEQA because it 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 their 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 agreements and take whatever action is necessary with respect to the ENA and the Project, consistent with this Resolution and its basic purposes.

**MAR 03 2015**

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

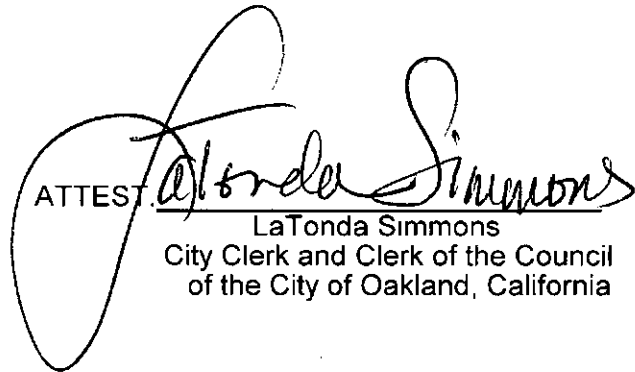
**PASSED BY THE FOLLOWING VOTE:**

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