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OFFICE OF THE CITY CLERK
OAKLAND

15 FEB 26 AM 9:06

APPROVED AS TO FORM AND LEGALITY



Deputy City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. 85457 C.M.S.

A RESOLUTION AUTHORIZING THE INTERIM CITY ADMINISTRATOR TO EXECUTE A CONSENT TO AN ASSIGNMENT OF THE OAKLAND MARRIOTT HOTEL CITY CENTER GROUND LEASE TO AGRE DCP OAKLAND CITY CENTER OWNER LLC, OR A RELATED ENTITY

WHEREAS, on August 12, 1981, pursuant to Ordinance No. 10117 C.M.S., the City of Oakland ("City") entered into a Ground Lease (the "Ground Lease") for certain City-owned property (the "Property") with Oakland Hotel Associates, Ltd. ("OHAL") to develop a Hyatt Regency Oakland Hotel, which is now the Oakland Marriott Hotel City Center (the "Marriott"); and

WHEREAS, on December 29, 1986, the Ground Lease was amended and assigned from OHAL to Oakland Renaissance Associates ("ORA"), a limited partnership; and

WHEREAS, on March 6, 2007, pursuant to Resolution No. 80446 C.M.S., the City Council approved an assignment of the Ground Lease from ORA to the CIM Group, Inc. ("CIM"), as part of the sale of the Marriott from ORA to CIM; and

WHEREAS, Section 10 of the Ground Lease requires the City's written consent prior to assignment of the Ground Lease, and further requires that if the assignee is not an experienced reputable and responsible operator of an existing hotel of a type comparable to the Marriott then concurrent with the assignment of the Ground Lease, the assignee must enter into an operating agreement with a reputable and experienced hotel operator; and

WHEREAS, CIM is selling the Marriott, which is on the Property leased from the City, to AGRE DCP Oakland City Center Owner LLC, ("AGRE DCP") a company consisting of Apollo Global Management ("Apollo") and DiNapoli Capital Partners, LLC ("DiNapoli"), or a related entity; and

WHEREAS, AGRE DCP, as well as its designated hotel management company, Marriott International, Inc. ("Marriott International") are very experienced real estate investment, development and hotel management firms that are fully capable of operating the Marriott; 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 Regulations of the City of Oakland have been satisfied; now therefore be it

RESOLVED: That the City approves the assignment of the Ground Lease by CIM to AGRE DCP; and be it

RESOLVED: That the Interim City Administrator is hereby authorized to consent to the assignment of the Ground Lease to AGRE DCP or a related entity consistent with this Resolution and its basic purposes; and be if further

RESOLVED: That the City finds and determines, after independent review and consideration, that this action complies with the California Environmental Quality Act ("CEQA") because it is exempt from CEQA pursuant to Section 15301 (existing facilities) of the CEQA Guidelines; and be it

RESOLVED: That the Interim City Administrator or his designee shall cause to be filed with the County of Alameda a Notice of Exemption for this action; and be it

RESOLVED: That the Interim City Administrator is further authorized to take whatever action is necessary with respect to the consent to an assignment of the Ground Lease consistent with this Resolution and its basic purposes; and be it

RESOLVED: That all documents necessary to effect the consent to the assignment and transfer of the Ground Lease pursuant to this Resolution shall be reviewed and approved by the City Attorney, and copies shall be placed on file with the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, MAR 17 2015, 2015

PASSED BY THE FOLLOWING VOTE:

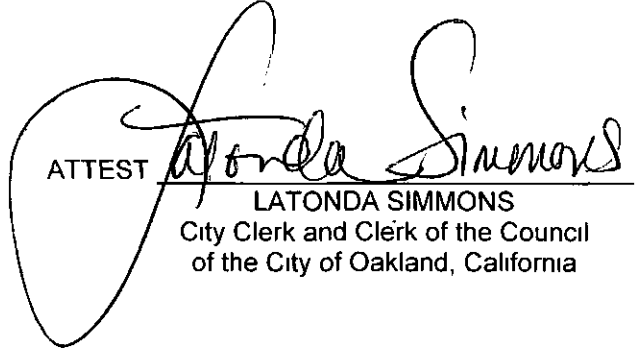
AYES- BROOKS, CAMPBELL WASHINGTON, ~~REID~~, GUILLEN, KALB, KAPLAN, REID AND CHAIRPERSON GIBSON McELHANEY - 7

NOES- 0

ABSENT- 0

ABSTENTION- 0

Excused - Gallo - 1

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