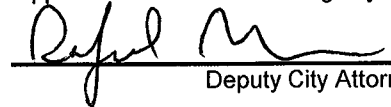


2017 MAR 30 PM 1:09

Approved as to Form and Legality:


Deputy City Attorney

OAKLAND CITY COUNCIL
RESOLUTION No. 86688 - C.M.S.

RESOLUTION AUTHORIZING AN EXCLUSIVE NEGOTIATING AGREEMENT WITH PORTFOLIO DEVELOPMENT PROPERTIES LLC, OR RELATED AFFILIATES, FOR ONE YEAR, WITH ONE OPTIONAL SIX-MONTH ADMINISTRATIVE EXTENSION, FOR THE POTENTIAL DISPOSITION AND DEVELOPMENT OF A RETAIL PROJECT ON A CITY-OWNED PARCEL (APN 039-3291-020) LOCATED AT 73RD AVENUE AND FOOTHILL BOULEVARD

WHEREAS, the City owns a 1.22 acre parcel of land (“the Property”) located on the northwest corner of 73rd Avenue & Foothill Boulevard with no current street address with APN 039-3291-020; and

WHEREAS, Portfolio Development Properties, LLC (“the Developer”), has submitted an unsolicited letter of interest to the City to develop a retail center on the Property; and

WHEREAS, the City and the Developer wish to enter into a period of preliminary study and exclusive negotiations over the proposed disposition of the Property for their project, with the 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 City Administrator to negotiate and enter into an Exclusive Negotiating Agreement (“ENA”) with Portfolio Development Properties LLC, or related affiliates approved by the City Administrator, for the purposes of developing a project proposal for City Council review and approval, undertaking the necessary environmental review process, and negotiating the terms and conditions of a Lease or Disposition and Development Agreement; and be it

FURTHER RESOLVED: That the initial exclusive negotiating period will be for twelve (12) months from the date of this Resolution, with the option for the City Administrator to extend said period by an additional six months in 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 shall require a \$50,000 nonrefundable Project Expense Payment from the Developer to reimburse City staff costs and third party expenses; and be it

FURTHER RESOLVED: That the City authorizes the City Administrator or her designee to accept, appropriate, authorize, and administer the nonrefundable Project Expense Payment of \$50,000 in a Fund and Project to be determined later; and be it

FURTHER RESOLVED: That the City Council 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 Property consistent with this Resolution and its basic purposes.

IN COUNCIL, OAKLAND, CALIFORNIA, APR 18 2017

PASSED BY THE FOLLOWING VOTE:

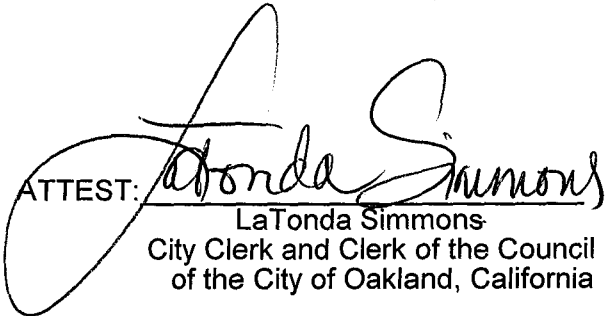
AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN ~~AND PRESIDENT REID~~ - 7

NOES - 0

ABSENT - 0

ABSTENTION - 0

excused - 1 Reid

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