


FILED
OFFICE OF THE CITY CLERK
OAKLAND
2015 AUG 32 PM 3: 38

Approved as to Form and Legality:


Deputy City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. 85803 C.M.S.

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR OR DESIGNEE TO NEGOTIATE AND EXECUTE AN EXCLUSIVE NEGOTIATING AGREEMENT WITH OAKLAND ACURA OR AFFILIATED ENTITY FOR TWELVE MONTHS WITH ONE OPTIONAL SIX MONTH ADMINISTRATIVE EXTENSION FOR DEVELOPMENT ON THE 3.625 ACRE (APN#: 041-3902-021) OAKPORT STREET PARCEL

WHEREAS, the City of Oakland ("City") owns approximately a 3.625 Acre (APN#: 041-3902-021) ("Property") parcel located adjacent to 7001 Oakport Street; and

WHEREAS, Oakland Acura ("Dealership") submitted a proposal to purchase or lease the Property to develop a new Acura Dealership featuring a new showroom, service center, parts department consisting of an approximately 35,000 square feet building (the "Project") on the Property; and

WHEREAS, the City and Dealership wish to enter into a period of preliminary study and exclusive negotiations of the proposed Project, with the understanding that such study and negotiations do not constitute a binding commitment on the part of the City to the proposed Project or Dealership for the Property; now, therefore, be it

RESOLVED: That the City Council hereby authorizes the City Administrator or designee to negotiate and enter into an Exclusive Negotiating Agreement ("ENA") with Oakland Acura or affiliated entity for the purposes of studying and evaluating the feasibility of the development of the proposed Project for the development of a new auto dealership for City review and approval, undertake the necessary environmental review process, and negotiate the terms and conditions of a Lease Disposition and Development Agreement ("LDDA"); and be it

FURTHER RESOLVED: That the initial exclusive negotiating period will be for twelve (12) months from the date hereof , with the option by the City Administrator or designee in his/her sole discretion to extend said period by an additional six months; 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 Property is exempt from the State Surplus Lands Act since the

property was purchased by the former redevelopment agency for the purposes of future development and the Property has not been in the City's use; and be it

FURTHER RESOLVED: That the City finds and determines, after independent review and consideration, that the authorization to enter into the ENA with Dealership 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 her 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 other agreements and take whatever action is necessary with respect to the ENA and the Project, consistent with this Resolution and its basic purposes.

OCT 06 2015

IN COUNCIL, OAKLAND, CALIFORNIA, _____

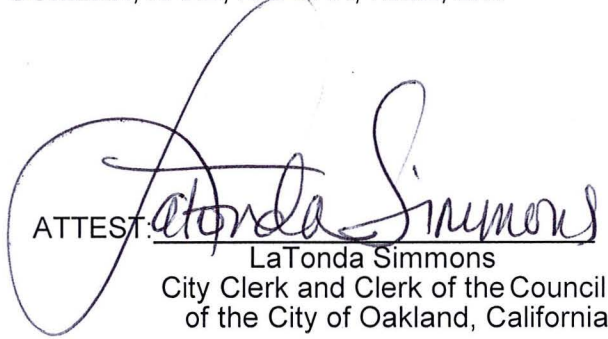
PASSED BY THE FOLLOWING VOTE:

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