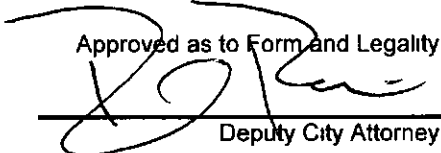


FILED
OFFICE OF THE CITY CLERK
OAKLAND

2014 DEC 30 PM 1:48

Approved as to Form and Legality

Deputy City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. 85373 C.M.S.

RESOLUTION AUTHORIZING AN EXCLUSIVE NEGOTIATING AGREEMENT WITH OAKLAND AND THE WORLD ENTERPRISES, INC. FOR THE DEVELOPMENT OF PROPERTY AT 7TH AND CAMPBELL IN WEST OAKLAND, AND APPROPRIATING \$13,500 IN LICENSE FEES FROM THE LOW AND MODERATE INCOME HOUSING ASSET FUND FOR EXPENDITURES RELATED TO THE PROPERTY AND THE PROJECT

WHEREAS, the City of Oakland owns approximately 0.71 acres of property located at 7th and Campbell Streets in West Oakland (the "Property"); and

WHEREAS, the City and Oakland and the World Enterprises, Inc. ("OAW") desire to commence negotiations over the possible development of a proposed mixed use development with significant housing and commercial/retail components (the "Project") on the Property, including affordable and market rate housing units, and a proposed urban farm, fitness center, juice bar, athletic apparel manufacture and similar uses, with a proposed focus on employment and housing opportunities for residents re-entering the community after serving prison sentences; and

WHEREAS, OAW is a nonprofit corporation recently formed to undertake this and other similar developments in the future; and

WHEREAS, the City and OAW desire to dedicate time for the 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, OAW or any other development of the Property; and

WHEREAS, OAW has entered into a temporary license agreement with the City to use the Property, with license fee payments that will total \$13,500 during the course of the next year; and

WHEREAS, these license fees are income generated from a housing asset, and will therefore be deposited into the City's Low and Moderate Income Housing Asset Fund and must be used for eligible housing costs; and

WHEREAS, the City of Oakland desires to use these housing funds to cover the cost of maintaining the Property, as well as expenses associated with the ENA (e.g., appraisal and consultants needed to determine project feasibility); now, therefore be it

RESOLVED: That the City Administrator or his/her designee is authorized to negotiate and enter into an Exclusive Negotiating Agreement (“ENA”) with OAW for purposes of studying and evaluating the feasibility of, and negotiating terms and conditions for the potential development of the Project, including housing and commercial/retail uses, and conducting California Environmental Quality Act (“CEQA”) review and approval; and be it

FURTHER RESOLVED: That the exclusive negotiating period shall be for six months from the date of Council approval of this Resolution, with the option to extend said period an additional six months at the discretion of the City Administrator or his/her designee; and be it

FURTHER RESOLVED: That the City Council hereby appropriates up to \$13,500 in license fees deposited into the Low and Moderate Income Housing Asset Fund (2830) to the Housing Development Project (TBD), Housing Development Organization (89929) for costs of maintaining the Property, as well as other City costs associated with the ENA; and be it

FURTHER RESOLVED: That this Resolution does not commit the City to the expenditure of any funds, and total Project cost will depend on the end Project and financing sources; and be it

FURTHER RESOLVED: That OAW shall bear sole responsibility for all costs associated with developing the Project for approval, including consultant fees, permitting fees, legal fees, financing expenses, etc.; 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 OAW 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 his/her designee shall cause to be filed with the County of Alameda a Notice of Exemption from CEQA requirements; and be it

FURTHER RESOLVED: That the City Council hereby authorizes the City Administrator or his/her designee to negotiate and enter into other agreements and take all other actions necessary with respect to the ENA and the Project consistent with this Resolution and its basic purpose.

JAN 20 2015

IN COUNCIL, OAKLAND, CALIFORNIA, _____


PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN, and REID - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST 

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