

OAKLAND CITY COUNCIL*D. Millner*
City Attorney

OFFICE OF THE CITY CLERK

RESOLUTION No. 80663 C.M.S.

2007 JUN 22 PM 4:10

Introduced by Councilmember _____

REVISED
06-19-2007

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A BILLBOARD RELOCATION AGREEMENT WITH CLEAR CHANNEL OUTDOOR, INC. (CCO): (1) ALLOWING CCO TO REMOVE AND WAIVE ITS RIGHTS TO COMPENSATION, INCLUDING ALL REAL PROPERTY AND PERSONAL PROPERTY INTERESTS, FOR A NUMBER OF BILLBOARDS AT VARIOUS LOCATIONS IN EXCHANGE FOR: (A) REMOVAL OF A BILLBOARD AT 381 5TH STREET AND CONSTRUCTION OF A NEW BILLBOARD AT 377 5TH STREET AND (B) REMOVAL OF A BILLBOARD AT 3420 LOUISE STREET AND CONSTRUCTION OF A NEW BILLBOARD ON AN ADJACENT LOT (APN 007-0620-001-04); AND (2) REQUIRING CCO TO MAKE A ONE TIME DONATION OF \$125,000 TO THE CHABOT SPACE AND SCIENCE CENTER AND A ONE-TIME CONTRIBUTION OF \$125,000 TO A CAUSE DESIGNATED BY THE CITY COUNCIL

WHEREAS, removal of a number of billboards at various locations throughout the City is consistent with the City's objective to remove billboard signage throughout Oakland to enhance the City's physical attributes; and

WHEREAS, Clear Channel would waive their rights to compensation, including all real property and personal property interests, thereby eliminating the various billboards at no cost to the City; and

WHEREAS, all the proposed billboards will be removed by Clear Channel at its sole cost and expense; and

WHEREAS, the proposed billboard relocation agreement would permit Clear Channel to relocate one billboard from 381 5th Street to 377 5th Street with no increase in size and relocate one billboard from 3420 Louise Street to an adjacent lot with a 480 square foot increase in size; and

WHEREAS, Clear Channel would remove at least seventeen billboards totaling at least 2,364 square feet from various locations around the City of Oakland, resulting in a net decrease of sign area in the City; and

WHEREAS, the proposed billboard relocation agreement will require Clear Channel to: (1) represent that the second billboard listed in the City's database at 6318 Market Street has already been removed, and that Clear Channel will agree not to reconstruct it; and (2) provide documentation satisfactory to the City that Clear Channel has fully complied with the Eller Media Co. Amortization Settlement Agreement between the City and Clear Channel's predecessor, Eller Media Company, effective November 3, 1999; and

WHEREAS, the proposed billboard relocation agreement complies with the existing City regulations that permit relocated and wholly reconstructed advertising signs pursuant to a

billboard relocation agreement; now, therefore be it

RESOLVED: That the City Council authorizes the City Administrator to enter into a billboard relocation agreement with Clear Channel Outdoor, Inc. ("CCO"): (1) allowing CCO to remove and waive its rights to compensation, including all real property and personal property interests, for a number of billboards at various locations, as designated in Exhibit A to this Resolution, in exchange for: (A) removal of a billboard at 381- 5th Street and construction of a new, non-electronic, billboard at 377-5th Street; and (B) removal of a billboard at 3420 Louise Street and construction of a new, non-electronic, billboard on an adjacent lot (APN 007-0620-001-04); and (2) requiring CCO to make a one-time contribution of \$125,000 to the Chabot Space and Science Center and a one-time contribution of \$125,000 to a cause designated by the City Council; and be it

FURTHER RESOLVED: That the billboard relocation agreement will require Clear Channel to: (1) represent that the second billboard listed in the City's database at 6318 Market Street has already been removed, and that Clear Channel will agree not to reconstruct it; and (2) provide documentation satisfactory to the City that Clear Channel has fully complied with the Eller Media Co. Amortization Settlement Agreement between the City and Clear Channel's predecessor, Eller Media Company, effective November 3, 1999; and be it

FURTHER RESOLVED: That the City Administrator or her designee is authorized to complete all the required negotiations regarding the terms of, and to execute, a billboard relocation agreement with Clear Channel in accordance with the intent of this resolution, and including other conditions and enforcement mechanisms as will be recommended by the City Attorney; and be it

FURTHER RESOLVED: That the City Attorney shall approve the billboard relocation agreement as to form and legality.

IN COUNCIL, OAKLAND, CALIFORNIA, JUN 19 2007, 2007

PASSED BY THE FOLLOWING VOTE:

AYES - ~~BRUNNER, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE~~ - 6

NOES - 0

ABSENT - 0

ABSTENTION - Brooks, Brunner - 2

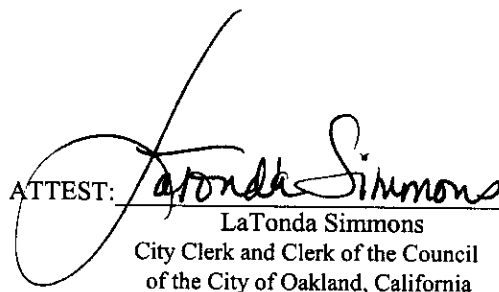
ATTEST: 
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

EXHIBIT A

- Alameda Avenue (No Address) APN: 033-2250-013-01 300 square feet;
- 714 27th Street 300 square feet;
- 1828 International Boulevard 72 square feet;
- 8144 MacArthur Boulevard 2 billboards each 72 square feet for a total of 144 square feet;
- 6318 Market Street 72 square feet; and
- 5420 Foothill Boulevard 72 square feet.
- 2450 M.L.K. Jr. Way 2 billboards each 72 square feet for a total of 144 square feet;
- 2811 Market Street 2 billboards each 72 square feet for a total of 144 square feet;
- 1900 Market Street 72 square feet;
- 2565 West Street 72 square feet;
- 424 M.L.K. Jr. Way 2 billboards one 72 square feet and one 300 square feet for a total of 372 square feet;
- 1432 M.L.K. Jr. Way 300 square feet; and
- 685 9th Street 300 square feet.