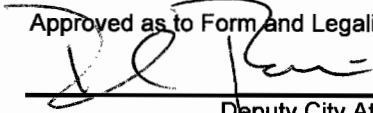


FILED
OFFICE OF THE CITY CLERK
OAKLAND
2013 JUN 12 PM 3:14

Approved as to Form and Legality:

Deputy City Attorney

OAKLAND CITY COUNCIL

RESOLUTION No. 84492 C.M.S.

RESOLUTION AUTHORIZING AN EXCLUSIVE NEGOTIATING AGREEMENT WITH URBANCORE-INTEGRAL, LLC FOR DEVELOPMENT OF THE 12TH STREET REMAINDER PARCEL LOCATED AT 12TH STREET AND 2ND AVENUE

WHEREAS, the City owns or will own approximately 0.925 acres of property bounded by East 12th Street on the east, Second Avenue and property owned by the Oakland Unified School District on the south, newly created open space to the west, and Lake Merritt Boulevard to the north (the "Property"), commonly known as the 12th Street Remainder Parcel; and

WHEREAS, the Property was previously public right-of-way for that portion of E. 12th Street situated between 1st and 2nd Avenue; and

WHEREAS, on December 21, 2012, the City issued a Request for Proposals to develop the Property; and

WHEREAS, UrbanCore-Integral, LLC ("UCI") submitted a proposal to purchase the Property and develop a 24- story high-rise with approximately 247 residential units, approximately 5,000 square feet of ground floor retail and/or community space, and approximately 201 parking spaces (the "Project") on the site; and

WHEREAS, the City and UCI wish to enter into a period of preliminary study and exclusive negotiations over the proposed Project, 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 UCI for the purposes of developing a project proposal for City review and approval, conducting California Environmental Quality Act ("CEQA") review and approval, and negotiating the terms and conditions of a Disposition and Development Agreement ("DDA"); and be it

FURTHER RESOLVED: That the initial exclusive negotiating period will be for 12 months from the date of this Resolution, with the option by the City to extend said period by an additional 180

days with the approval of the City Administrator in her sole discretion; and be it

FURTHER RESOLVED: That the City shall require payment of a \$25,000 Project Expense Payment by UCI for purposes of reimbursing City for its staff costs and third party expenses; 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 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 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 agreements and take whatever action is necessary with respect to the ENA and the Project, consistent with this Resolution and its basic purposes.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 2 2013

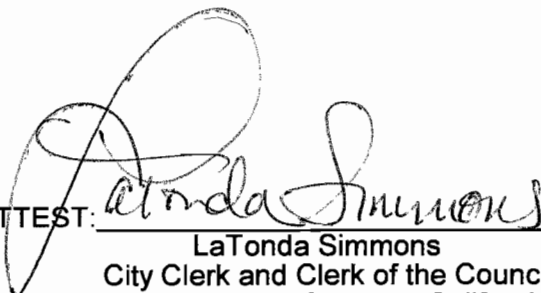
PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, ~~GIBSON MCELHANEY~~, KALB, KAPLAN, REID, SCHAAF, and
PRESIDENT KERNIGHAN - 7

NOES - 0

ABSENT - Gibson McElhaneey - 1

ABSTENTION - 0

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