

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2013 APR 11 AM 8:58

APPROVED AS TO FORM AND LEGALITY

D. Miller

CITY ATTORNEY

13160 =
ORDINANCE NO. _____ C.M.S.

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A PURCHASE AND SALE AGREEMENT(S) WITH THE PORT OF OAKLAND FOR THE PURCHASE OF UP TO APPROXIMATELY 4 ACRES OF FORMER OAKLAND ARMY BASE PROPERTY AND AUTHORIZING UP TO \$50,000 FOR APPRAISAL AND REAL ESTATE CLOSING COSTS

WHEREAS, the Port of Oakland owns two parcels of former Oakland Army Base property, the approximately 2.5-acre Parcel 15A ("Parcel 15A") and the approximately 4.5-acre Parcel I-2 ("Parcel I-2"), shown on the map attached hereto as Exhibit A; and

WHEREAS, the City owns approximately twenty (20) acres of land in the North Gateway area of the former Oakland Army Base; and

WHEREAS, the City, California Waste Solutions, Inc. ("California Waste Solutions") and CASS, Inc. are currently negotiating a Disposition and Development Agreement (DDA) for relocation onto the City-owned North Gateway areas of two recycling facilities currently located in the West Oakland community, and all or a portion of Parcel 15A and potentially a portion of Parcel I-2 is needed to be added to the City's North Gateway property for this contemplated relocation and DDA transaction; and

WHEREAS, the Port of Oakland has tentatively agreed to transfer all or a portion of Parcel 15A to the City, and the Port may potentially transfer to the City a portion of Parcel I-2, both at fair market purchase prices to be determined by a mutually agreed upon appraisal; and

WHEREAS, on June 19, 2012 the Oakland City Council, acting as Lead Agency for the City of Oakland: (1) adopted/approved the Initial Study/Addendum for the 2012 Oakland Army Base Project and took a series of actions to approve the 2012 Army Base Project; (2) found and determined the 2012 Addendum can be used because none of the circumstances necessitating further CEQA review were present; and (3) found that, as an alternative, separate, and independent basis, the Project complies with Public Resources Code section 21083.3 and Guidelines section 15183; and

WHEREAS, the City will incur up to \$50,000 in appraisal and real estate closing costs, which it shall seek reimbursement from California Waste Solutions and CASS, Inc. during DDA negotiations; now therefore,

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

Section 1. The City Council finds and determines the foregoing recitals to be true and correct and hereby makes them a part of this Ordinance.

Section 2. The City Council hereby authorizes the City Administrator to negotiate and execute a Purchase and Sale Agreement(s) with the Port of Oakland for the purchase and sale of up to approximately 4 acres of former Oakland Army Base property commonly known as Parcels 15-A and I-2, as shown on the map attached hereto as Exhibit A, and authorizes up to \$50,000 for appraisal and real estate closing costs ("Costs"). The Agreement shall include a provision allowing the City to assign its rights to a third party, with the expectation that a third party developer, including the proposed recyclers, and not the City, would pay the purchase price.

Section 3. The Costs will be paid from Entity 1, OBRA Leasing & Utility Fund (5671), Oakland Army Base Redevelopment Organization (02444), OBRA Leasing & Utility-City Project (P294110).

Section 4. This action (1) implements actions previously approved by the Oakland City Council; (2) is within the scope of the already approved 2012 Army Base Project; (3) the 2012 Army Base project Initial Study/Addendum adequately describes the current action for purposes of CEQA; and (4) no further CEQA review is required pursuant to CEQA Guidelines 15164.

Section 5. The City Administrator or her designee is hereby authorized to negotiate and execute all agreements and to take whatever other action is necessary with respect to the transaction(s), consistent with this Ordinance and its basic purposes.

Section 6. The City Attorney shall review and approve all documents and agreements related to this transaction(s) as to form and legality, and a copy shall be placed on file with the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, MAY 21 2013

PASSED BY THE FOLLOWING VOTE:

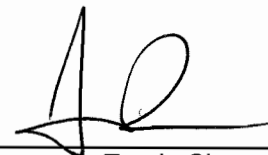
AYES - BROOKS, GALLO, GIBSON-MCELHANEY, KALB, KAPLAN, REID, SCHAAF AND CHAIRPERSON KERNIGHAN - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:



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

Introduction Date

MAY 7 2013

