

## BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

### RESOLUTION APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO AN EXCLUSIVE NEGOTIATING AGREEMENT WITH CENTERPOINT PROPERTIES FOR DEVELOPMENT AND LEASE OF A PORTION OF THE FORMER OAKLAND ARMY BASE.

**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated Agenda Report Item 6.1 ("Agenda Report"), dated November 12, 2015 and related agenda materials, has received the expert testimony of Port staff, and has provided opportunities for and taken public comment;

**WHEREAS**, that in acting upon this matter, the Board has exercised its independent judgment based on substantial evidence in the record and adopts and relies upon the facts, data, analysis, and findings set forth in the Agenda Report and in related agenda materials and in testimony received; now, therefore, be it

**RESOLVED**, that the Board hereby authorizes the Executive Director of the Port of Oakland ("Executive Director") to approve and execute for and on behalf of the Board an Exclusive Negotiating Agreement ("ENA") with CenterPoint Properties for an approximately 20-acre parcel located on the former Oakland Army Base for a term of six months with one six-month extension option as more fully described in the Agenda Report, subject to approval as to form and legality by the Port Attorney; and be it

**FURTHER RESOLVED**, that the Board hereby finds and determines that the project was reviewed in accordance with the requirements of the California Environmental Quality Act ("CEQA") and the Port CEQA Guidelines. In July 2002, the City of Oakland ("City"), as the lead agency under CEQA, certified an Environmental Impact Report ("EIR") for reuse of the OAB. On September 17, 2002, the Board, acting on behalf of the Port as a responsible agency under CEQA, adopted findings and a mitigation program in reliance on the City's EIR. In June 2012, the Board considered the 2012 OAB Project Initial Study/Addendum and adopted mitigation measures applicable to the Port from the City's OAB Standard Conditions of Approval/Mitigation Monitoring and Reporting Program ("SCA/MMRP"). The OAB EIR described projects to be developed by the Port on its portion of the former OAB,

including certain infrastructure development as contemplated in the infrastructure project and related uses. Therefore, no further or additional environmental review or documentation is necessary in order for the Board to take recommended actions. When specific activities that will be performed are identified, there will be a determination at that time whether additional CEQA review and clearance is needed; and be it

**FURTHER RESOLVED**, that this resolution is not evidence of and does not create or constitute (a) a contract, or the grant of any right, entitlement or property interest, or (b) any obligation or liability on the part of the Board or any officer or employee of the Board. This resolution approves and authorizes the execution of an agreement in accordance with the terms of this resolution. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed and approved as to form and legality by the Port Attorney, and is delivered to the other contracting party, there shall be no valid or effective agreement, and be it

**FURTHER RESOLVED**, that this resolution shall become effective upon adoption of this resolution by the Board, but shall be null and void 30 days after that date unless the Exclusive Negotiating Agreement is fully executed, or is otherwise extended at the sole and absolute discretion of the Executive Director.