

RESOLUTION 2019-112

RESOLUTION OF THE CITY OF SAN PABLO APPROVING AND AUTHORIZING THE EXECUTION OF AN EXCLUSIVE NEGOTIATIONS AGREEMENT WITH BROOKFIELD BAY AREA HOLDINGS, LLC, FOR NEGOTIATION OF A DISPOSITION AND DEVELOPMENT AGREEMENT PERTAINING TO THE FORMER EL PORTAL ELEMENTARY SCHOOL SITE (2600 MORAGA ROAD, SAN PABLO)

WHEREAS, the City of San Pablo (the "City") owns the real property formerly occupied by the El Portal Elementary School at 2600 Moraga Road (the "Site");

WHEREAS, the City desires to use a portion of the Site (the "Park Parcel") for the development of a park that would include an adult-sized soccer field, a tot lot play area, a picnic area, restrooms, lighting, parking, and landscaping (the "Park Project");

WHEREAS, Brookfield Bay Area Holdings, LLC, (the "Developer") has expressed a desire to purchase approximately 5 acres of the Site (the "Development Parcel") for development of a single family residential project (the "Residential Project"), and to build the Park Project for the City, along with other consideration, as the purchase price for the Development Parcel;

WHEREAS, a proposed Exclusive Negotiations Agreement (the "ENA") has been prepared that would establish a timeframe and certain parameters for the negotiation of a Disposition and Development Agreement ("DDA") between the City and the Developer providing for the sale of the Development Parcel to the Developer and the development by the Developer of the Park Project and the Residential Project; and

WHEREAS, the proposed ENA provides for a Negotiation period of 105 days that can be mutually extended for an additional 75 days, together with other terms and conditions as more particularly set forth in the staff report accompanying this resolution and the proposed ENA attached thereto.

NOW, THEREFORE, the City Council of the City of San Pablo does hereby resolve as follows:

Section 1. Recitals. The Recitals set forth above are true and correct and incorporated herein.

Section 2. Approval of Exclusive Negotiations Agreement. The City Council hereby approves the Exclusive Negotiations Agreement with Brookfield Bay Area Holdings, LLC, in the form attached to the staff report accompanying this resolution, and the City Council hereby authorizes the City Manager to execute the Exclusive Negotiations Agreement on behalf of the City, and to make such changes or additions thereto with the concurrence of the City Attorney as are necessary or appropriate and which do not substantially alter the rights and obligations of the City thereunder. The City Manager is further authorized to execute such other documents and take such

other actions as are necessary to carry out and implement the obligations of the City under the Exclusive Negotiations Agreement.

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PASSED AND ADOPTED this 1st day of July, 2019, by the following votes:

AYES:	COUNCILMEMBERS:	Pineda, Xavier, Pabon-Alvarado, Cruz and Kinney
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NOES:	COUNCILMEMBERS:	None
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ABSENT:	COUNCILMEMBERS:	None
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ABSTAIN:	COUNCILMEMBERS:	None
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ATTEST:	APPROVED:
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/s/ Patricia Ponce
Patricia Ponce, City Clerk

/s/ Rich Kinney
Rich Kinney, Mayor