

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

**RESOLUTION APPROVING THE ASSIGNMENT OF
GROUND LEASE INTEREST OF EMBARCADERO
BUSINESS PARK, LLC FROM MR. TED EDEN TO
THEODORE A. EDEN, TRUSTEE, EDEN FAMILY
REVOCABLE TRUST UTD FOR PROPERTY LOCATED AT
1900-2000 EMBARCADERO ROAD, OAKLAND.**

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 2.2, dated February 22, 2018 (the "Agenda Report") and related agenda materials, has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; and

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 Sheet and in related agenda materials and in testimony received;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. The Board hereby approves the assignment of the ground lease interest for property located at 1900-2000 Embarcadero Road, Oakland, from Embarcadero Business Park, LLC, as successor to Theodore A. Eden (an individual) and Dorothy E. Bergamaschi (an individual) as tenants in common, to **Theodore A. Eden, Trustee, Eden Family Revocable Trust UTD**, as further described in the Agenda Report, and authorizes the Executive Director to execute such transfer of ownership interest documents and any related documents or agreements to effectuate this transaction, subject to approval as to form and legality by the Port Attorney. Furthermore, if the transfer of ownership interest documents are not fully executed within thirty (30) days after Board approval, the approval shall be null and void unless extended at the sole and absolute discretion of the Executive Director of his designee.

SECTION 2. The Board hereby finds and determines that the proposed assignment is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15301, which exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The Board hereby finds and determines that the proposed assignment is also exempt from CEQA pursuant to CEQA Guidelines Section 15300.4, which exempts the execution of leases or agreements where the premises or licensed activity was previously leased or licensed to the same or another person, and involving negligible or no expansion of use beyond that previously existing.

SECTION 3. 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. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this resolution, is signed as approved as to form and legality by the Port Attorney, and is delivered to other contracting party, there shall be no valid or effective agreement.

SECTION 4. This resolution shall be effective immediately upon adoption by the Board.