

Resolution No.

## STOCKTON CITY COUNCIL

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### **RESOLUTION APPROVING AN EXCLUSIVE NEGOTIATING RIGHTS AGREEMENT BETWEEN THE CITY OF STOCKTON AND OPEN WINDOW PROJECT, LLC, FOR THE PROPOSED OPEN WINDOW MIXED-USE, INFILL DEVELOPMENT PROJECT IN DOWNTOWN STOCKTON**

The City of Stockton (the “City”) owns property in Downtown Stockton, inclusive of County Assessor Parcel Numbers 149-170-08, 09 and 12; and

Open Window Project, LLC, (the “Developer”) has submitted a proposal which includes construction of a mixed-use, infill development Project; and

The Developer’s proposal includes properties owned by the City, as well as the Parking Authority of the City of Stockton; and

The City supports the proposed Project and wishes to execute an Exclusive Negotiating Rights Agreement in order to negotiate with the Developer; and

The City may enter into a 365-day Exclusive Negotiating Rights Agreement with Developer during the term of which City and Developer will negotiate the business terms of a Purchase Option and Development Agreement for the project and any other assistance as necessary to undertake the proposed project; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

1. The City finds and declares that Open Window Project, LLC, has the expertise necessary to develop the proposed Project outlined in its proposal, attached as Exhibit B to the Exclusive Negotiating Rights Agreement, which is attached hereto as Exhibit 1 and incorporated by this reference.

2. Open Window Project, LLC, is granted a period of 365 days as an exclusive negotiating period in which to negotiate the terms and conditions of a Purchase Option and Development Agreement between Developer and City in connection with the proposed Project.

3. The City Manager is authorized and directed to execute an Exclusive Negotiating Rights Agreement with Open Window Project, LLC, and take whatever

actions are necessary and appropriate to carry out the purpose and intent of this resolution.

PASSED, APPROVED, AND ADOPTED March 24, 2015

ANTHONY SILVA  
Mayor of the City of Stockton

ATTEST:

BONNIE PAIGE  
City Clerk of the City of Stockton