

**PERALTA COMMUNITY COLLEGE DISTRICT**  
**Board of Trustees Agenda Report**  
**For the Trustee Meeting Date of April 28, 2015**

**ITEM TITLE:**

Consider Adoption and Approval of Resolution No. 14/15-42 for the Acquisition of Property located at 2118 Milvia Street in Berkeley, California.

**SPECIFIC BOARD ACTION REQUESTED:**

Adoption and approval is requested of resolution No. 14/15-42 by the Board of Trustees to authorize final acquisition of the 2118 Milvia Street Property, Berkeley, (APN/Parcel ID 057-2022-005-01) in accordance with the purchase and sale agreement for the amount of \$6,180,000.00.

**ITEM SUMMARY:**

At the regular Board of Trustees Meeting on November 18, 2014, the Board of Trustees approved (i) the Purchase and Sale Agreement ("Agreement") and (ii) initial approved the acquisition of the property pending the completion of the requisite due diligence and Board acceptance of the associated due diligence findings. In accordance with the Agreement, the administration has completed its due diligence review, which includes the Seller's deliveries, preliminary title report, soils reports (including all soils, engineering, and environmental reports and materials), tests, surveys, maps, plans (including all grading plans), permits, leases, licenses, easements, and entitlements in Seller's possession concerning the Property and its improvement, and development and operation. The administration is seeking final approval from the Board of Trustees to purchase the property. Therefore, the \$6,180,000 will pay for the second deposit and final payment of all amounts due on the purchase price. As part of the due diligence, the Total Cost of Ownership and Operational Expenditures report is posted and available on <http://web.peralta.edu/measurea/files/2015/04/04-28-15-BOT-Board-of-Trustees-Mtg-2118-Milvia-Property-TCO1.pdf>

The property is an existing three-story office building, which will be renovated to provide additional educational facilities to serve the District's existing student population. Pursuant to Education Code Section 81330, the Board of Trustees ("Board") of the Peralta Community College District ("District") is authorized to acquire real property and buildings.

In accordance with the Agreement and subsequent mutual approvals of the District and Seller, the District has until April 29, 2015 to complete other due diligence review on the Property, and to determine whether the Property and all matters pertaining to the Property are satisfactory for the District's purchase of the Property and use for community college purposes.

The Chancellor recommends approval.

**SOURCE OF FUNDS (AND FISCAL/BUDGETARY IMPACT):**

Measure A, as approved by the voters in Peralta's constituency and authorized under Resolution 03/04-45, Exhibit A-1, District-Wide Projects, "Equip classroom and campus facilities; technology upgrades and facility improvements."

**BACKGROUND/ANALYSIS:**

In accordance with the District-wide Integrated Educational and Facilities Master Plan by WLC Architects and other planning reports and documents developed by Chuck McIntyre and the MAAS Co., it was determined that additional space for instruction and support services is needed for Berkeley City College to accommodate its existing student population, which continues to experience growth.

Experienced professionals have performed physical inspections and investigations of the Property, conducted testing and analysis of the Property, including seismic, geological and hazardous materials testing, as required under Education Code section 81033(a). The results showed that the Property is appropriate for the contemplated use as a school site as further noted in the due diligence report attached. See Attachment 1 ("Due Diligence Report").

**DELIVERABLES AND SCOPE OF WORK:**

Adoption and approval from the Governing Board of Trustees.

**ANTICIPATED COMPLETION DATE:**

The anticipated purchase date is June 30, 2015.

**ALTERNATIVES/OPTIONS:**

Not - Applicable

**EVALUATION AND RECOMMENDED ACTION:**

The administration recommends the adoption and approval of this resolution to purchase of the 2118 Milvia Street Property in Berkeley, CA.

**OTHER DEPARTMENTS IMPACTED BY THIS ACTION (E.G. INFORMATION TECHNOLOGY):**

YES \_\_\_\_\_ NO   X  

**COMMENTS:**

None

(\*\*\*\*\*Board contract approval is subject to negotiation and execution by the Chancellor.)

**DOCUMENT PREPARED BY:**

Prepared by: Dr. Sadiq B. Ikharo  
Vice Chancellor of General Services

Date: April 20, 2015

**DOCUMENT PRESENTED AND APPROVED BY:**

Presented and approved by: Dr. Sadiq B. Ikharo  
Vice Chancellor of General Services

Date: April 20, 2015

**FINANCE DEPARTMENT REVIEW**

Finance review required       Finance review *not* required

If Finance review is required, determination is:       Approved       Not Approved

If not approved, please give reason: \_\_\_\_\_  
\_\_\_\_\_

Signature: Susan Rinne  
Susan Rinne, Interim Vice Chancellor for Finance and Administration

**GENERAL COUNSEL (Legality and Format/adherence to Education Codes):**

Legal review required       Legal review *not* required

If Legal review is required, determination is:       Approved       Not Approved

Signature: Thuy Thi Nguyen  
Thuy Thi Nguyen, General Counsel

**CHANCELLOR'S OFFICE APPROVAL**

Approved, and Place on Agenda       Not Approved, but Place on  
Agenda

Signature: José M. Ortiz  
Dr. José M. Ortiz, Chancellor