

Resolve 17 -09/10

Passage: 4/5/10 7-0 (Leeman, Skolnik absent)

NICHOLAS M. MAVODONES (MAYOR)

KEVIN J. DONOGHUE (1)

DAVID A. MARSHALL (2)

DANIEL S. SKOLNIK (3)

CHERYL A. LEEMAN (4)

CITY OF PORTLAND

IN THE CITY COUNCIL

JOHN R. COYNE (5)

JOHN M. ANTON (A/L)

DORY RICHARDS WAXMAN (A/L)

JILL C. DUSON (A/L)

RESOLUTION PROVIDING OFFICIAL CITY COMMENT ON AND SUPPORT FOR THE SALE OF THE FORMER WILD OATS STORE FROM WHOLE FOOD MARKET, INC. TO TRADER JOE'S EAST, INC.

WHEREAS, Whole Food Market, Inc., which has established the most successful grocery store in Bayside, acquired Wild Oats Market, Inc. prior to the construction and development of its store in Bayside; and

WHEREAS, Trader Joe's East, Inc. has expressed an interest in purchasing the former Wild Oats Market, Inc. property from Whole Foods in order to locate a Trader Joe's store in Bayside; and

WHEREAS, under federal antitrust law a Divestiture Trustee was appointed to divest certain Wild Oats stores and the intellectual property associated with the Wild Oats brand from Whole Foods, Inc.; and

WHEREAS, the Divestiture Trustee is now requesting FTC approval to sell the former Wild Oats property at 87 Marginal Way, Portland, Maine to Trader Joe's East, Inc.; and

WHEREAS, it is in the best interest of the Bayside Neighborhood, the City and the region to foster healthier grocery competition, expand consumer choice and improve food access; and

WHEREAS, it is also in the best interest of the Bayside Neighborhood, the City the region, and the State to create as many new job opportunities as possible for residents of Bayside, the rest of the City and the region; and

WHEREAS, these three goals are consistent with the first three development principles in the Bayside Vision in that the approval of this divestiture and the sale to Trader Joe's would serve the goals from the Bayside Vision which:

1. Identify Marginal Way as the gateway to Portland, and a commercial corridor that should have larger stores, offices, hotels and restaurants which will benefit from excellent highway visibility and access; and
2. Without government support for economic development and employment opportunities it is clear that private investors will seek easier and cheaper alternatives, such as those offered in our surrounding suburban communities; and

3. The close geographic proximity of a new Trader Joe's store to existing offices, food service facilities and other businesses supports the creation of a "walkable district in Bayside."

NOW THEREFORE BE IT RESOLVED, that the Portland City Council strongly supports the approval by the Federal Trade Commission of the application filed by the Divestiture Trustee to allow Whole Foods to sell its property at 87 Marginal Way in Portland to Trader Joe's East, Inc; and

BE IT FURTHER RESOLVED, that the Clerk shall send a certified copy of this Resolution immediately to the Federal Trade Commission and to the members of the City's Federal Delegation.



PORTLAND MAINE

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Office of the City Clerk
Linda C. Cohen, MMC

April 6, 2010

Office of the Secretary
Federal Trade Commission
600 Pennsylvania Avenue
N.W., Washington, DC 20580

Re: Docket No. 9324
In the Matter of Whole Foods Market, Inc., and Wild Oats Markets, Inc.
File No. 0710114
Civ. No. 07-cv-01021-PLF,
FTC File No. 071 0114

Enclosed, please find a certified copy of Resolve 17-09/10, passed by the Portland City Council at its meeting last evening.

Yours truly,

Linda C. Cohen
City Clerk