

OFFICE OF THE CITY CLERK  
2006 APR 11 PM 1:19

Approved as to Form and Legality

*Rocio Sierra*  
Oakland City Attorney's Office

**OAKLAND CITY COUNCIL**  
RESOLUTION No. 79866 C. M. S

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

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RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE SAN FRANCISCO BAY AREA RAPID TRANSIT (BART) DISTRICT RELATING TO THE BART EARTHQUAKE SAFETY PROGRAM AND TO NEGOTIATE REIMBURSEMENTS AND PERMITS

**WHEREAS**, on June 6, 2002, BART issued a Vulnerability Study that described recommended seismic retrofits to the original BART system; and

**WHEREAS**, within the City of Oakland, as shown on the project map appended hereto as Exhibit A, the project consists of retrofitting foundations, columns, shear keys and bent caps for aerial structures; retrofitting aerial station foundations, columns, elevators and escalator shafts, and platform canopies; retrofitting the Transbay Tube Oakland Vent Structure and that portion of the Transbay Tube that lies within the City of Oakland; retrofit of underground stations including strengthening of beam/column connections; retrofit of ancillary structures such as train control and traction power buildings; retrofit of BART systems such as train control, traction power, etc.; and dismantling the original BART headquarters; and

**WHEREAS**, BART and the City acknowledge that it will be necessary to develop procedures to ensure careful and continued cooperation between the parties, including the following: (1) procedures for finalizing any necessary design and construction options relating to City infrastructure; (2) procedures for protecting in place and/or relocating City-owned facilities that are affected by the project; (3) procedures to avoid all unnecessary delays to either the contracting or construction process; (4) procedures for inspecting the construction, relocation, and replacement of City infrastructure; (5) procedures for conveyance of property interest rights by City to BART, and (6) procedures for securing necessary permits and reimbursement to the City; and

**WHEREAS**, the BART Earthquake Safety Program will impact City infrastructure improvements including landscaping; and

**WHEREAS**, BART will be required to replace at their sole expense any City infrastructure improvements impacted by their operation, warranty the landscaping for three years and the rest of the infrastructure improvements for one year; and

**WHEREAS**, BART is required to reimburse the City for all costs incurred related to the BART Earthquake Safety Program, and staff will return to Council to accept and appropriate reimbursements at a later date; and

**WHEREAS**, BART and the City acknowledge that the work performed under this agreement shall be in conformance with all applicable Federal and/or State grant conditions and all applicable laws; and

**WHEREAS**, the parties recognize and agree that this agreement may not reasonably anticipate all aspects of the project and changes thereto which may occur due to unforeseen circumstances. Accordingly, the parties acknowledge their respective obligations to act reasonably and in good faith and to modify the terms hereof when necessary to accomplish their mutual goals; and

**WHEREAS**, BART and the City agree that this agreement applies solely to work performed under the BART Earthquake Safety Program; now therefore, be it

**RESOLVED**: That the Council of the City of Oakland authorizes and empowers the City Administrator or her designee to enter into a Cooperative Agreement with BART, and negotiate reimbursements and permits related to the BART Earthquake Safety Program; and be it

**FURTHER RESOLVED**: That this agreement applies solely to work performed under the BART Earthquake Safety Program.

**MAY 2 2006**

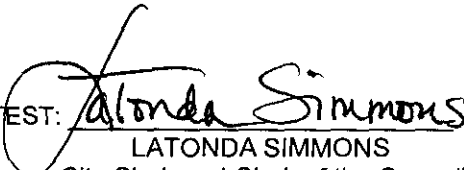
IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2006

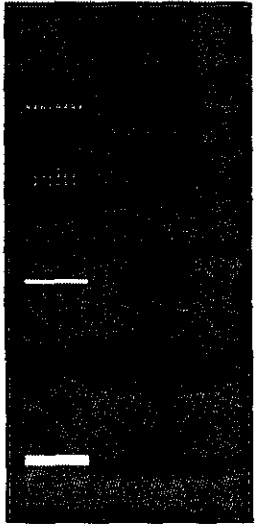
PASSED BY THE FOLLOWING VOTE:

AYES - BRUNNER, KERNIGHAN, NADEL, QUAN, BROOKS, REID, CHANG,  
AND PRESIDENT DE LA FUENTE — 8

NOES- 0  
ABSENT- 0

ABSTENTION- 0

ATTEST:   
LATONDA SIMMONS  
City Clerk and Clerk of the Council  
of the City of Oakland, California



**CITY OF OAKLAND**  
**RETROFIT WORK LOCATIONS**



**NOVEMBER 2005**