

OAKLAND CITY COUNCIL

OFFICE OF THE CITY CLERK  
OAKLAND

RESOLUTION No: 78962 2004 DEC -1 PM 2:59  
C.M.S.

Two-thirds vote required

*W. Moreno*

A RESOLUTION ACCEPTING AND EXPRESSING APPRECIATION FOR A GIFT-IN-PLACE WITH AN ESTIMATED VALUE OF \$5,844 FROM AFFORDABLE HOUSING ASSOCIATES TO PROVIDE AND INSTALL BENCHES AND PLANTING IMPROVEMENTS AT THE 11<sup>TH</sup> STREET AND OAK STREET PUBLIC RIGHT-OF-WAY (PLAZA) IN CONJUNCTION WITH THE THEIR DEVELOPMENT AT OAK STREET TERRACE, 1109 OAK STREET; AND TO AUTHORIZE THE CITY ADMINISTRATOR TO EXECUTE A NO-COST AGREEMENT WITH AFFORDABLE HOUSING ASSOCIATES FOR MAINTENANCE OF THE PLAZA.

**WHEREAS**, Affordable Housing Associates, a non-profit organization, is constructing a mixed-use senior housing and commercial complex at 1109 Oak Street, across an existing open-space public-right-of-way; and

**WHEREAS**, Affordable Housing Associates desires to improve the open space at 11<sup>th</sup> Street and Oak Street (plaza) with new benches and additional plantings to enhance the environment for the public and local residents; and

**WHEREAS**, Affordable Housing Associates desires to maintain the open space at 11<sup>th</sup> Street and Oak Street by providing general litter pickup, maintenance of plants and furniture and removal of damaged plants and furniture at no cost to the City; and

**WHEREAS**, Affordable Housing Associates desires to donate the improvements and maintenance services and the City desires to accept them; and

**WHEREAS**, the City lacks the funds, equipment and personnel to perform the necessary work and services; and

**WHEREAS**, the City Council finds and determines that the performance of work and maintenance services is in the public interest because of economy; and

**WHEREAS**, the City Council finds and determines that the performance of the contract for maintenance will be permanent in nature and shall not result in the loss of employment or salary by any person having permanent status in the competitive services; now therefore, be it

**RESOLVED**: That the City Council hereby accepts a gift in-place with an estimated value of \$5,844 from Affordable Housing Associates for improvements to the public right-of-way located at 11<sup>th</sup> Street and Oak Street; and, be it

**FURTHER RESOLVED:** That the City Council hereby authorizes the City Administrator, or her designee, to execute a no-cost maintenance agreement with Affordable Housing Associates to perform on-going general maintenance service; and, be it

**FURTHER RESOLVED:** That the City Administrator, or her designated representative, is hereby authorized to approve and execute any subsequent agreement, amendments, modifications, or extension of agreements, within the City Administrator's contract authority, related to the maintenance of the improvements under this Resolution, and that such amendments or extensions shall be approved as to form and legality by the Office of the City Attorney and filed with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, DEC 21 2004, 2004

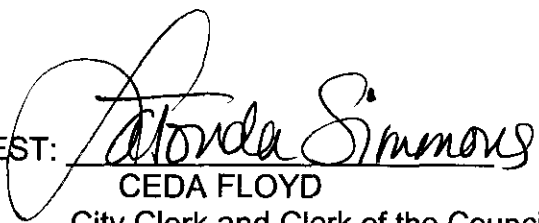
PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN AND PRESIDENT OF THE COUNCIL DE LA FUENTE - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:   
CEDA FLOYD  
City Clerk and Clerk of the Council  
of the City of Oakland, California