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OAKLAND

**REVISED**

**OAKLAND CITY COUNCIL**

04 JAN 12 PM 1:29

RESOLUTION No. \_\_\_\_\_ C.M.S.

*W. Moore*

**RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE TRUST FOR PUBLIC LAND TO ACCEPT A GIFT-IN-PLACE OF DESIGN AND CONSTRUCTION SERVICES AND EQUIPMENT AND MATERIALS VALUED AT \$350,000 FOR IMPROVEMENTS TO BERTHA PORT PARK**

WHEREAS, the Trust for Public Land desires to make certain improvements to Bertha Port Park located in the City of Oakland; and

WHEREAS, the Trust for Public Land proposes to make a gift of design and construction services and equipment and materials valued at \$350,000 for these improvements to the City of Oakland; and

WHEREAS, the Trust for Public Land has submitted terms and conditions for design and construction of the gift of improvements, which are set forth in the agreement included with the City Manager's report dated January 20, 2004 (referred to hereafter as "Gift Agreement"); now, therefore, be it

RESOLVED: That the City Manager is authorized to enter into the Gift Agreement with the Trust for Public Land for design and construction services and equipment and materials for said improvements, to accept the gift of completed improvements and to waive any and all City of Oakland development and construction fees and charges, if directed to do so by Council; and, be it

FURTHER RESOLVED: That, pursuant to Oakland Municipal Code, Title 2, Chapter 2.04, Section 2.04.050.I.5, the City Council finds and determines that it is in the best interests of the City to waive any bidding requirements for the prime construction contractor to be hired by the Trust for Public Land to build improvements and hereby waives such requirements; and, be it

FURTHER RESOLVED: That the Gift Agreement has been approved by the Office of the City Attorney and a copy will be placed on file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, January 20, 2004

**PASSED BY THE FOLLOWING VOTE:**

AYES—BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN AND PRESIDENT DE LA FUENTE

NOES—

ABSENT—

ABSTENTION—

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ORA/COUNCIL  
JAN 20 2004

ATTEST: \_\_\_\_\_

City Clerk and Clerk of the Council  
of the City of Oakland, California