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OAKLAND

C. J. [Signature]
CITY ATTORNEY

2003 JUL 24 PM 2: 14

OAKLAND CITY COUNCIL

REVISED

ORDINANCE No. 12532 C.M.S.

AN ORDINANCE ALTERING THE PORT AREA BOUNDARY TO INCLUDE AND EXCLUDE VARIOUS SPECIFIED PARCELS AT AND ADJACENT TO THE FORMER OAKLAND ARMY BASE

WHEREAS, Sections 706(4), 706(15) and 725 of the Charter authorize the Port of Oakland ("Port") to own and have control and jurisdiction of real property in the Port Area, and

WHEREAS, Sections 706(4), 706(15) and 725 of the Charter authorize the Port to relinquish and transfer control and jurisdiction over any such property to the City of Oakland, acting by and through its City Council, upon the request and recommendation of the Board of Port Commissioners (the "Port Board") and the approval of the City Council; and

WHEREAS, Sections 706(4) and 725 of the Charter also authorize the City Council to enlarge the Port Area upon the request of the Port Board; and

WHEREAS, the City Council has previously approved and authorized the negotiation and entrance of a Memorandum of Agreement with the Port, the Oakland Redevelopment Agency and the Oakland Base Reuse Authority regarding the conveyance and development of the former Oakland Army Base ("MOA") pursuant to certain specified terms and conditions; and

WHEREAS, the MOA, although not in final form and not executed by the representatives of the parties, sets forth the intentions of the parties thereto that the following specified parcels of land at and adjacent to the former Army Base that are currently within the Port Area will be owned and developed by the Redevelopment Agency ("City Parcels") and that the Port Area Boundary will be altered to exclude the City Parcels:

- 1) An approximate 141 acre parcel of land west of Maritime Street as more particularly described on Exhibit A1, attached hereto, and commonly referred to as the "West Maritime Property";
- 2) An approximate one acre parcel of land north of West Grand Avenue as more particularly described on Exhibit A2, attached hereto, and commonly referred to as the West Maritime Army Reserve Property;

- 3) Three parcels of land of approximately 8 acres adjacent to the former Army Base as more particularly described on Exhibit A3 and commonly referred to as CalTrans Parcels Nos. 5, 6 and 7; and

WHEREAS, the MOA further sets forth the intentions of the parties that the following specified parcels of land at and adjacent to the former Army Base that are currently not within the Port Area will be owned or developed by the Port ("Port Parcels") and that the Port Area Boundary will be altered to include the Port Parcels; and

- 1) An approximate 154 acre parcel of land east of Maritime Street at the former Army Base as more particularly described on Exhibit B1 and commonly referred to as the East Maritime Property;
- 2) Three parcels of land of approximately 9.3 acres adjacent to the former Army Base as more particularly described on Exhibit B2 and commonly referred to as the East Maritime Army Reserve Property;
- 3) Four parcels of land of approximately 6 acres adjacent to the former Army Base as more particularly described on Exhibit B3 and commonly referred to as CalTrans Parcels Nos. 1, 1A, 2 and 2A; and

WHEREAS, it is the intention of the parties that the alteration of the Port Area Boundary, with the exception of the West Maritime Army Reserve Property, shall not be effective until three years after conveyance of the former Army Base from the Army; and

WHEREAS, the Port Board has passed a Port Ordinance finding that, subject to certain specified terms and conditions, the City Parcels are no longer necessary for port purposes and approving the alteration of the Port Area to exclude the City Parcels (the "Port Ordinance"); and

WHEREAS, the Port Board, by passage of the Port Ordinance, has also approved a request of the City Council to alter the Port Area to include the Port Parcels within the Port Area; and

WHEREAS, the requirements of California Environmental Quality Act of 1970 ("CEQA"), the CEQA Guidelines as prescribed by the Secretary for Resources, and the provisions of the Environmental Review Regulations of the City of Oakland have been satisfied with the completion and certification of the Oakland Army Base Redevelopment Area Environmental Impact Report ("EIR");

NOW, THEREFORE, THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

Section 1. Pursuant to Sections 706(4), 706(15) and 725 of the Charter, the City Council, subject to the terms and conditions set forth herein, hereby alters the Port Area to exclude the City Parcels.

Section 2. Pursuant to Sections 706(4) and 725 of the Charter, the City Council, subject to the terms and conditions set forth herein, hereby alters the Port Area to include the Port Parcels.

Section 3. That the actions set forth in Sections 1 and 2 above are conditioned on (i) the conveyance of the former Army Base from the Army to Oakland Base Reuse Authority, and (ii) the completion, execution and continued existence of (non-default by the parties to) the MOA.

Section 4. That the alterations of the Port Area, as set forth in Sections 1 and 2, with the exception of the West Maritime Army Reserve Property, are also conditioned on the expiration of the three year period following the conveyance of the former Army Base from the Army.

Section 4. The City Manager or his designee is hereby authorized to negotiate and execute documents and take whatever other action is necessary in order to implement the purpose of this Ordinance.

Section 5. This Ordinance shall be effective only upon the effectiveness of the Port Ordinance.

Section 6. That the Council finds that this Ordinance is in compliance with the requirements of the California Environmental Quality Act of 1970, the CEQA Guidelines and the City's Environmental Review Regulations.

Introduction Date: JUL 29 2003

IN COUNCIL, OAKLAND, CALIFORNIA, SEP 16 2003 2003

PASSED BY THE FOLLOWING VOTE:


AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN, ~~DE LA FUENTE~~ -7

NOES- 0

ABSENT- 0

ABSTENTION- 0

EXCUSED - DE LA FUENTE - 1

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