

OFFICE OF THE
CITY CLERK

 City Attorney

2012 NOV -1 PM 4:27

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION AUTHORIZING CITY ADMINISTRATOR, OR HER DESIGNEE, TO: (1) ACCEPT AND APPROPRIATE \$200,000.00 FROM, AND (2) ENTER INTO AN AGREEMENT WITH, UNION PACIFIC RAILROAD COMPANY (UPRR) FOR THE REIMBURSEMENT OF THE CITY'S COSTS OF: (A) RESURFACING CERTAIN PORTIONS OF EMBARCADERO WEST BETWEEN WEBSTER STREET AND CLAY STREET THAT ADJOIN UPRR'S RAILROAD TRACK REPAIR AND IMPROVEMENT PROJECT, AND (B) PROVIDING TRAFFIC CONTROL FOR THE RESURFACING WORK AND UPRR PROJECT, IN AN AMOUNT NOT TO EXCEED \$200,000.00

WHEREAS, Union Pacific Railroad (UPRR) has scheduled to replace their mainline tracks, which are in disrepair, along Embarcadero West, between Broadway and Clay Street, in order to serve their freight and passenger customers' needs; and

WHEREAS, UPRR's work is scheduled to begin in early November, and will require closure of portions of the street for safety; and

WHEREAS, the condition of the City's road, Embarcadero West, is in severely deteriorated condition, and has been the subject of numerous complaints from businesses and residents for years; and

WHEREAS, UPRR is responsible only for the portion of roadway within 2' of their track, and the City is responsible for the roadway surface outside of the track area; and

WHEREAS, UPRR has approached the City's Public Works Agency (PWA) with a request for PWA to provide traffic control and detours for their track replacement project, fully reimbursing the City for their costs, and in addition, providing sufficient funding to pay for the resurfacing of the roadway between Webster Street and Clay Street, north side ; and

WHEREAS, UPRR has offered up to \$200,000.00 as a sum to reimburse for said PWA costs, and in addition; and

WHEREAS, the project will improve railroad and traffic safety in and around the UPRR tracks Embarcadero West; and

WHEREAS, the City now desires to execute an agreement with UPRR to accept and appropriate the \$200,000.00 in UPRR reimbursement funds and to establish a new project number; now, therefore, be it

RESOLVED: That the City Council hereby authorizes the City Administrator, or her designee, the Director of Public Works to: (1) accept and appropriate the \$200,000.00 in UPRR reimbursement funds; (2) execute an agreement with UPRR for the purposes described in the Report that accompanies this Resolution; and (3) expend \$200,000.00 to provide traffic control and detours on Embarcadero West, and to resurface the roadway between Webster Street and Clay Street, north side; and be it

FURTHER RESOLVED: That the City Attorney will review and approve said agreement; and be it

FURTHER RESOLVED: That the City Administrator, or their designee, is authorized, on behalf of the City of Oakland, to execute and submit all documents, payment requests, and related actions, as well as to appropriate any additional funds received for the completion of this project.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF AND PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California