

**CITY OF OAKLAND  
AGENDA REPORT**

OFFICE OF THE CITY CLERK  
OF OAKLAND

2005 APR 21 PM 6:49

TO: Office of the City Administrator  
ATTN: Deborah Edgerly  
FROM: Community and Economic Development Agency  
DATE: May 3, 2005

RE: RESOLUTION REPEALING PROVISION 7 OF RESOLUTION NO. 77545  
APPROVING FORMATION OF THE LEONA QUARRY GEOLOGIC  
HAZARD ABATEMENT DISTRICT (GHAD) AND APPOINTING THE CITY  
COUNCIL OF THE CITY OF OAKLAND AS THE GHAD BOARD OF  
DIRECTORS

---

**SUMMARY**

At the Public Works Committee meeting on March 8, 2005, the Committee directed staff to submit a resolution to repeal provision 7 of Resolution No. 77545 C.M.S. approving formation of the Leona Quarry GHAD and appointing the City Council of the City of Oakland as the GHAD Board of Directors. Provision 7 of the Resolution No. 77545 C. M.S. specified that if certain events did not occur prior to October 31, 2003, the GHAD would be dissolved pursuant to the procedures set in Sections 26567.1 et seq. of the Public Resources Code.

This language was included in the December 3, 2002 GHAD formation Resolution 77545 C.M.S. at the request of the then owner of the Leona Quarry site, who wanted assurance that the GHAD could be dissolved if the project applicant decided not to acquire the site. Specifically, the property owner was concerned about project uncertainties associated with the litigation that was later settled in December 2003. Since that time, the project applicant has acquired the site and is proceeding with the project, making this provision unnecessary and undesirable. Neither the City, the owner nor the GHAD Board desire that the GHAD be dissolved.

**FISCAL IMPACT**

There is no fiscal impact if the City Council adopts the resolution.

**ACTION REQUESTED BY THE CITY COUNCIL**

Staff recommends that the resolution repealing provision 7 of Resolution 77545 C.M.S. be adopted.

Respectfully submitted,

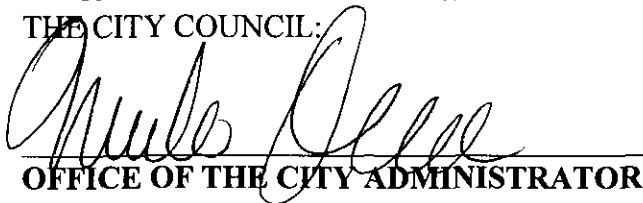


**CLAUDIA CAPPIO**  
Development Director,  
Community & Economic Development Agency

Reviewed By:  
Michael Neary, P.E.  
Assistant Director, PWA  
Design & Construction Services Department

Prepared By:  
Marcel Uzegbu, P.E.  
CIP, Coordinator; PWA

APPROVED AND FORWARDED TO  
THE CITY COUNCIL:

  
**OFFICE OF THE CITY ADMINISTRATOR**

**OAKLAND CITY COUNCIL**

2005 APR 21 PM 6:49

RESOLUTION NO. \_\_\_\_\_ C.M.S.

---

**RESOLUTION REPEALING PROVISION 7 OF RESOLUTION NO. 77545  
APPROVING FORMATION OF THE LEONA QUARRY  
GEOLOGIC HAZARD ABATEMENT DISTRICT (GHAD) AND APPOINTING THE  
CITY COUNCIL OF THE CITY OF OAKLAND AS THE GHAD BOARD OF  
DIRECTORS**

**WHEREAS**, on December 3, 2002, the Oakland City Council adopted Resolution No. 77545, approving and ordering the formation of the Leona Quarry Geologic Hazard Abatement District (GHAD) and appointing itself to act as the Board of Directors of the GHAD (GHAD Board).

**WHEREAS**, item 7 of Resolution No. 77545 specified that if certain events did not occur prior to October 31, 2003, the GHAD would be dissolved pursuant to the procedures set forth in sections 26567.1 *et seq.* of the Public Resources Code.

**WHEREAS**, certain requirements of item 7 of Resolution No. 77545 have not yet occurred.

**WHEREAS**, neither the City of Oakland nor the current owner(s) of the real property included within the GHAD desire that it be dissolved.

**NOW, THEREFORE**, the Oakland City Council hereby resolves and orders that:

1. The City Council hereby repeals in its entirety item 7 of Resolution No. 77545.
2. This Resolution shall become effective immediately upon its passage and adoption.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2005

**PASSED BY THE FOLLOWING VOTE:**

AYES – BROOKS, BRUNNER, CHANG, DE LA FUENTE, NADEL, QUAN, REID

NOES-

ABSENT-

ABSTENTION-

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