

FILED
OFFICE OF THE CITY CLERK
OAKLAND

Approved as to Form and Legality

A. McLean

Office of the City Attorney

2014 MAR 27 PM 12:49

OAKLAND CITY COUNCIL

RESOLUTION NO. 84926 C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE AN EASEMENT RELOCATION AGREEMENT WITH THE U.S. GOVERNMENT AND TREASURE ISLAND DEVELOPMENT AUTHORITY ("TIDA") FOR RELOCATION OF ELECTRICAL LINES, EQUIPMENT, FACILITIES AND ANY ASSOCIATED OR RELATED EQUIPMENT OR FACILITIES

WHEREAS, the City's predecessor-in-interest (Oakland Base Reuse Authority) acquired the 363-acre Oakland Army Base property through an economic development conveyance quitclaim deed recorded as Document No. 2003-466370 on August 8, 2003 ("Army Base Deed"). The Army Base Deed contained a deed reservation in favor of the U.S. Government (U.S. Navy) and its planned successor-in-interest, TIDA, reserving an easement for electrical transmission lines that are the sole source of electricity to Treasure Island. The Army Base Deed provides the City and the Port with the right to relocate the easement and electrical lines and facilities at the City cost. The Amended and Restated Cost Sharing Agreement with the Port provides for the City to relocate the easement and electrical lines and facilities. The electrical lines and the related easement run down Maritime Street, Burma Road and directly through the middle of the Central Gateway Area; and

WHEREAS, on October 23, 2012, pursuant to City Council Ordinance 13131 C.M.S., the City entered into a Lease Disposition and Development Agreement (the "LDDA") with Prologis CCIG Oakland Global (the "Developer") for the redevelopment of the former Oakland Army Base (the "Army Base") including the Central Gateway Area. At the same time the City entered into the LDDA, the City engaged California Capital & Investment Group (CCIG) as its Agent for the design and construction of the public backbone infrastructure required to support vertical development at the former Oakland Army Base. This was memorialized through the Property Management Agreement, which was authorized by Ordinance 13131 C.M.S; and

WHEREAS, on October 16, 2013, CCIG (City's Agent) entered into a Design Build Contract with Turner/Goodfellow Top Grade/Flatiron Joint Venture (the "Design Build Contractor") for the construction of the Army Base Public Infrastructure Improvements including design, engineering, construction and relocation of new electrical lines, equipment and facilities into a public utility easement and new Burma Road (public street) to replace the existing TIDA electrical line that runs through the development area; now, therefore, be it

RESOLVED, that the City Administrator, or his designee, is hereby authorized to negotiate and execute an easement relocation agreement with the U.S. Government and Treasure Island Development Authority to relocate existing aboveground electrical lines, equipment and facilities with underground electrical lines, equipment and facilities. The easement relocation agreement shall contain, among other things, the following provisions: 1) the relocation and undergrounding of the current line, 2) the City's advance of approximately \$483,265 to fund additional improvements requested by TIDA ("Betterments"), 3) TIDA's reimbursement of approximately \$432,534 of the cost of the Betterments, 4) the remaining approximately \$50,730 to be paid by the City from the contingency budget for the previously approved Army Base Infrastructure Project, 5) City to reimburse TIDA for all disconnect and reconnect of the temporary and permanent electrical lines and facilities estimated at approximately \$100,000, to be paid from the Army Base Infrastructure Project contingency budget, 6) a two year warranty to the U.S. Government and TIDA from the City for the new improvements, 7) standard Army Base RAP/RMP hazardous materials obligations wherein the City is responsible for costs and the City or Port to provide oversight, 8) City and TIDA to provide mutual indemnification for claims arising from actual construction work pursuant to the relocation agreement or any default under the relocation agreement, and 9) the City's Army Base project manager be authorized to approve reasonable and necessary cost overruns regarding the relocation from the previously approved Army Base Infrastructure Project contingency budget; and be it

FURTHER RESOLVED, that funding shall be allocated from Joint Infrastructure Development Fund (5672) CIP Oakland Army Base Org (94879) OAB Infrastructure Construction Project (C470020) or Trade Corridor Improvement Fund (2129), CIP Oakland Army Base Org (94879) TCIF OHIT Segment 3 Project (C470010)]; and be it

FURTHER RESOLVED, that the City has independently reviewed and considered the environmental determination, and the City finds and determines that this action complies with CEQA because this action (1) implements actions previously approved by the Oakland City Council; (2) is within the scope of the already approved 2012 Army Base Project; (3) the 2012 Army Base project Initial Study/Addendum adequately describes the current action for purposes of CEQA; and (4) no further CEQA review is required pursuant to CEQA Guidelines 15164; and be it

FURTHER RESOLVED, that the City Administrator or his designee shall cause to be filed with the County of Alameda a Notice of Exemption for this action; and be it

FURTHER RESOLVED, that the City Administrator is further authorized to take whatever action is necessary with the respect to execution of the easement relocation agreement consistent with this Resolution and its basic purposes.

IN COUNCIL, OAKLAND, CALIFORNIA, APR 22 2014, 2014

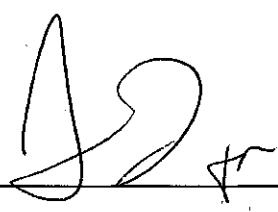
PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON McELHANEY, KALB, KAPLAN, REID, SCHAAF, AND PRESIDENT KERNIGHAN - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:  _____

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