

# OAKLAND CITY COUNCIL

ORDINANCE No. 12 2 9 3 : C.M.S.

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**AN ORDINANCE AUTHORIZING ACQUISITION OF CERTAIN REAL PROPERTY BY EMINENT DOMAIN LOCATED AT 70 HEGENBERGER ROAD, OAKLAND, COUNTY OF ALAMEDA FOR THE 98<sup>TH</sup> AVENUE COMPONENT OF THE AIRPORT ROADWAY PROJECT, WIDENING AND IMPROVEMENT FOR THE AMOUNT OF \$725,000.00, INCLUDING INTEREST THEREON, COURT COSTS, AND ATTORNEY'S FEES**

**WHEREAS**, in order *to* facilitate the portion of the Airport Roadway Project along 98th Avenue, the City has filed a condemnation action to acquire portions of the property located at 70 Hegenberger Road (the "Property") City of Oakland v. Brotherhood of Teamsters and Auto Truck Drivers Local No. 70. et al., Alameda County Superior Court No. 810082-5; and

**WHEREAS**, City of Oakland v. Brotherhood of Teamsters and Auto Truck Drivers Local No. 70 ("Teamsters") owns the Property, the City named Teamsters as a defendant in the action to acquire the Teamsters' interests in the Property; and

**WHEREAS**, the City, by resolution of the City Council on October 31, 2000 approved a settlement of the condemnation action with Teamsters; and

**WHEREAS**, the City filed an eminent domain action to acquire Teamsters' interests in the Property and Teamsters and the City have agreed to settle the action with Teamsters agreeing to relinquish its interests and waive any and all claims against the City arising out of the condemnation action, including but not limited to, all court costs, interest, attorneys fees, litigation expenses, land, improvements, fixtures and equipment **and** personal property, loss of goodwill, relocation benefits, bonus value, and including the "assumed" temporary construction and access easements, but excluding damages to the remainder caused by the project contractors, in consideration for payment by the City to Teamsters the amount of \$725,000.00; and

**WHEREAS**, the project committee overseeing the administration of the Airport Roadway Project, pursuant to the agreements among the project sponsors, the City, the Port of Oakland, the City of Alameda and the Alameda County Transportation Authority, has approved acquisition of the Teamsters' interests in the Property for the amount described below and the expenditure of project funds for that acquisition, **now therefore**

THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION 1: That the City hereby finds and declares that the requirements of the California Environmental Quality Act (CEQA) of 1970, the State CEQA Guidelines, and the City CEQA Procedures have been satisfied;

SECTION 2: The City Manager or his designee is authorized to execute such documents **and** take such other steps as may be necessary to acquire the Teamsters' interests in the Property as described in the attached Exhibit A to this ordinance, for an amount not to exceed \$725,000.00, including interest thereon, court costs, and attorneys fees;

SECTION 3: The City Manager or his designee is authorized to take such actions as are necessary to complete the acquisition.

SECTION 4. That the City Attorney's Office shall review and approve any and all documents and agreements necessary to purchase the Property and a copy shall be filed with the Office of the City Clerk.

SECTION 5. This Ordinance shall take effect immediately upon its passage.

*Introduced - 10/31/00*  
IN COUNCIL, OAKLAND, CALIFORNIA, NOV 14 2000, 2000

**PASSED BY THE FOLLOWING VOTE:**

AYES- BRUNNER, CHANG, MILEY, NADEL, REID, <sup>WAN</sup>RUSSO, SPEES, AND  
~~PRESIDENT DE LA FUENTE~~ - ?

NOES- *None*

ABSENT- *None*

ABSTENTION- *None*

*Excused - De la Fuente - 1*


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

EXHIBIT A

City of Oakland  
County of Alameda

LEGAL DESCRIPTION

FEE TAKE

Real Property in the City of Oakland, County of Alameda. State of California, being a portion of the Parcel as described in Deoa AX-83620. recorded June 17, 1965, described as follows:

BEGINNING at the most southerly comer of said Parcel; thence along the southeasterly line of said Parcel N63°38'16"E, 282.50 feet; thence from a tangent that bears N63°38'16"E along the southeasterly line of said Parcel and along a curve to the left with a radius of 22.00 feet, through an angle of 82°59'33" and an arc length of 31.87 feet; to the northeasterly boundary of said Parcel; thence along said northeasterly line from a tangent that bears N19°21'17"W and along a curve to the left with a radius of 451.00 feet, through an angle of 21°47'17" and an arc length of 171.50 feet; thence N41°08'28"W, 149.00 feet; thence S32°16'11"E, 58.45 feet; thence S41°14'59"E, 98.67 feet; thence from a tangent that bears S41°14'59"E and along a curve to the right with a radius of 402.00 feet, through an angle of 17°23'49" and an arc length of 122.06 feet; thence S19°17'36"W, 28.38 feet; thence S63°28'45"W, 252.60 feet; thence from a tangent that bears S63°28'45"W and along a curve to the left with a radius of 832.00 feet, through an angle of 02°00'22" and an arc length of 29.13 feet to the southwesterly boundary of said Parcel; thence along said southwesterly line S30°31'44"E, 38.05 feet to the point of beginning.

CONTAINING 14,308 square feet, more or less.

The bearing and distances of this description are based on the California Coordinate System, using the 1983 North American Datum. Multiply the distances shown by 1.0000705 to obtain ground distances.

This real property description has been prepared by me, or under my direction, in conformance with the Land Surveyors Act.

A.P.N. 044-5020-005-49

John T Warren, C-22062

12/9/98

Date

9/30/01

Expires

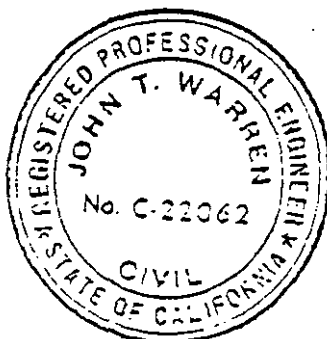


Exhibit A

City of Oakland  
County of Alameda

EXHIBIT A1  
LEGAL DESCRIPTION

30' UTILITY EASEMENT

An easement for utility purposes.

Real Property in the City of Oakland. County of Alameda. State of California, being a portion of the Parcel as described in Deed AX-83620, recorded June 77, 1965, described as follows:

BEGINNING at the most southerly comer of said Parcel; thence along the southwesterly line of said Parcel N30°31'44"W, 38.05 feet to the TRUE POINT OF BEGINNING; thence N63°28'45"E, 252.50 feet; thence N19°17'36"E, 28.38 feet; thence from a tangent that bears N23°51'10"W and along a curve to the left with a radius of 402.00 feet, through an angle of 01°27'28", and arc length of 10.23 feet; thence S63°28'45"W, 273.29 feet; thence from a tangent that bears S63°28'45"W and along a curve to the left with a radius of 862.00 feet; through an angle of 02°04'33", and arc length of 3123 feet to the southwesterly boundary of said Parcel; thence along said southwesterly line of said Parcel S30°31'44"E, 30.02 feet to the true point of beginning.

CONTAINING 8,894 square feet, more or less.

The bearing and distances of this description are based on the California Coordinate System, using the 1983 North American Datum Multiply the distances shown by 1.0000705 to obtain ground distances.

This real property description has been prepared by me, or under my direction, in conformance with the Land Surveyors Act

A.P.N. 044-5020-005-49

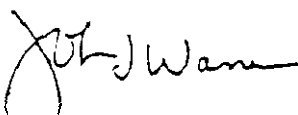
  
\_\_\_\_\_  
John T. Warren, C-22062  
12/9/98  
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Date 9/30/01  
\_\_\_\_\_  
Expires



EXHIBIT A1

10-31-08  
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