

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2013 JUN 12 PM 2:55

As Revised At CED Cmte 6/11/13

APPROVED AS TO FORM AND LEGALITY

*D. Wilson*

CITY ATTORNEY

ORDINANCE NO. \_\_\_\_\_ C.M.S.

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**AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A SIXTY-SIX (66) YEAR LEASE OR EASEMENT WITH THE PORT OF OAKLAND FOR RAIL USES AND SERVICE ON APPROXIMATELY 8 ACRES OF PORT LAND ADJACENT TO CITY-OWNED LAND ON THE FORMER OAKLAND ARMY BASE**

**WHEREAS**, the City is developing its portion of the former Oakland Army Base for, among other uses, warehouses, Port of Oakland (Port)-supporting logistics, bulk commodity services, and related maritime uses; and

**WHEREAS**, the City has executed a Lease Disposition and Development Agreement (“LDDA”) with Prologis CCIG Oakland Global, LLC (Prologis/CCIG), to develop a large portion of the Base for the above-described purposes; and

**WHEREAS**, to facilitate the proposed development, the City desires to lease from the Port, or obtain from the Port an easement for, approximately 8-acres of Port property adjacent to the East Gateway and North Gateway areas of the former Oakland Army Base (the “Property”) to construct and operate necessary rail lines thereon; and

**WHEREAS**, the City intends to sublease, or issue an easement for, the Property to Prologis/CCIG to facilitate and complement development under the LDDA; now, therefore

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

**Section 1.** The City Council finds and determines the foregoing recitals to be true and correct and hereby makes them a part of this Ordinance.

**Section 2.** The City Council hereby authorizes the City Administrator, without returning to Council, to negotiate and execute a sixty-six (66) year lease or easement with the Port for approximately 8 acres of Port land adjacent to City-owned on the former Oakland Army Base for the installation, construction, operation, maintenance, upgrade and repair of rail lines and associated rail equipment.

**Section 3.** 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.

Section 4. The City Administrator or her designee is hereby authorized to negotiate and execute all agreements and to take whatever other action is necessary with respect to the transaction(s), consistent with this Ordinance and its basic purposes.

Section 5. The City Attorney shall review and approve all documents and agreements related to this lease or easement as to form and legality, and a copy shall be placed on file with the City Clerk.

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

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_

LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California

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CITY ATTORNEY

ORDINANCE NO. \_\_\_\_\_ C.M.S.

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**AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE AN UP TO SIXTY-SIX (66) YEAR SUBLEASE OR EASEMENT WITH PROLOGIS CCIG OAKLAND GLOBAL, LLC, OR RELATED ENTITIES FOR RAIL USES AND SERVICE ON APPROXIMATELY 8 ACRES OF LAND ADJACENT TO CITY-OWNED LAND ON THE FORMER OAKLAND ARMY BASE**

**WHEREAS**, the City is developing its portion of the former Oakland Army Base for, among other uses, warehouses, Port of Oakland (Port)-supporting logistics, bulk commodity services, and related maritime uses; and

**WHEREAS**, the City has executed a Lease Disposition and Development Agreement (“LDDA”) with Prologis CCIG Oakland Global, LLC (Prologis/CCIG), to develop a large portion of the Base for the above-described purposes; and

**WHEREAS**, to facilitate the proposed development, the City intends to lease from the Port, or obtain an easement for, approximately 8-acres of Port property adjacent to the East Gateway and North Gateway areas of the former Oakland Army Base (the “Property”) to construct and operate necessary rail lines thereon (the “City-Port Lease” or the “City-Port Easement,” as appropriate) to serve the development contemplated by the LDDA; and

**WHEREAS**, if the City and Port execute a lease or easement for the Property, the City intends to sublease, or issue an easement for, the Property to Prologis/CCIG, or any related entity or entities, for the purposes set forth in the City-Port Lease; now, therefore

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

**Section 1.** The City Council finds and determines the foregoing recitals to be true and correct and hereby makes them a part of this Ordinance.

**Section 2.** If the City and Port execute the City-Port Lease or City-Port Easement as described in the recitals hereto, the City Council hereby authorizes the City Administrator, without returning to Council, to negotiate and execute a sublease or easement of the Property for up to sixty-six (66) years with Prologis/CCIG.

Section 3. 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.

Section 4. The City Administrator or her designee is hereby authorized to negotiate and execute all agreements and to take whatever other action is necessary with respect to the transaction(s), consistent with this Ordinance and its basic purposes.

Section 5. The City Attorney shall review and approve all documents and agreements related to this lease or easement as to form and legality, and a copy shall be placed on file with the City Clerk.

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

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_

LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California