

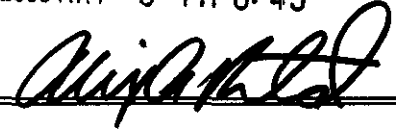
OAKLAND CITY COUNCIL

79216

RESOLUTION No. _____ C.M.S.

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2005 MAY -5 PM 6:45



RESOLUTION SUPPORTING A PUBLIC TRUST LAND EXCHANGE AT THE FORMER OAKLAND ARMY BASE BY AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND ENTER INTO A PURCHASE AND SALE AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR A 6.5 ACRE PORTION OF THE PROPERTY KNOWN AS CITY-PORT PARCEL NINE

WHEREAS, the Final Reuse Plan for the Oakland Army Base ("Reuse Plan") provides that most of the land west of Maritime Street and a portion of the land east of Maritime Street will be developed by the Redevelopment Agency with a variety of uses to stimulate job creation and economic development (the "Gateway Development Area"), while most of the land east of Maritime Street and a portion of the land west of Maritime Street will be developed by the Port of Oakland ("Port") to expand its maritime terminals and reconfigure and expand the Port's rail facility through its New Intermodal Facility project ("Port Development Area"); and

WHEREAS, some of the lands within and adjacent to the former Oakland Army Base are subject to the public trust for navigation, fisheries and commerce ("Public Trust"), which limits the redevelopment of those lands consistent with the Reuse Plan; and

WHEREAS, the intended use and development of the Gateway Development Area cannot be accomplished unless most the land west of Maritime Street is freed from the Public Trust restrictions; and

WHEREAS, together, the Oakland Base Reuse Authority ("OBRA"), the Port, the City of Oakland, and the Oakland Redevelopment Agency ("Agency") are working together to accomplish a Public Trust exchange; and

WHEREAS, in 2004, state legislation entitled the Oakland Army Base Public Trust Exchange Act was introduced in the State Legislature as Senate Bill 1435 to authorize the State Lands Commission to negotiate and enter into a Public Trust boundary settlement and exchange agreement; and

WHEREAS, the State of California Department of Transportation ("Caltrans") has asserted its interest in acquiring a 6.5-acre portion of the property subject to the exchange, known as City-Port Parcel Nine, located south of I-80 across from the Bay Bridge Toll Plaza and adjacent to the former Oakland Army Base property, in order to support its Bay Bridge Expansion Project; and

WHEREAS, in August 2004, the state legislature unanimously approved SB 1435, but Governor Schwarzenegger vetoed the bill, citing the City of Oakland's unresolved discussions with Caltrans, and requiring the parties to reach an agreement that would meet the development needs of the City of Oakland, while ensuring inclusion of the state's rights in the public trust lands, and the transfer of property needed by the State to support the Bay Bridge Construction Project; and

WHEREAS, the Oakland Army Base Land Exchange legislation has been reintroduced as SB 674; and

WHEREAS, on July 8, 2003, OBRA, the Port, the City, and the Agency entered into a Memorandum of Agreement governing the conveyance and development of the former Army Base ("City-Port MOA"); and

WHEREAS, the City-Port MOA permits the City to elect to take title to City-Port Parcel Nine in August 2006; and

WHEREAS, the City intends to take title to a portion or all of the City-Port Parcel Nine in August 2006 under the terms of the City-Port MOA, in order to transfer that property to Caltrans under the terms of the Purchase and Sale Agreement; and

WHEREAS, it is in the best interests of the City to support passage of SB 674 by conveying City-Port Parcel Nine to Caltrans for certain consideration; and

WHEREAS, OBRA, the City, the Agency and Caltrans staffs have reached general agreement on the terms and conditions of a transfer of City-Port Parcel Nine to Caltrans to support the Bay Bridge Construction Project; and

WHEREAS, staff is requesting authorization to negotiate and enter into a Purchase and Sale Agreement with Caltrans for a 6.5-acre portion of the property known as City-Port Parcel Nine to support the Bay Bridge Construction Project and the passage of SB 674; and

WHEREAS, the Oakland Army Base Redevelopment Project Area Environmental Impact Report ("EIR") was certified on July 31, 2002, by the City of Oakland, acting as a Lead Agency, and subsequently reviewed, considered and approved by the OBRA Governing Body, the Oakland Redevelopment Agency and the Port of Oakland, each acting as a Responsible Agency, and said EIR considered the foregoing Public Trust exchange and related matters; and

WHEREAS, the requirements of the California Environmental Quality Act of 1970, the CEQA Implementing Guidelines and the City of Oakland's Environmental Review Regulations have been satisfied with the previous certification of the EIR; now, therefore, be it

RESOLVED: That the City Administrator is hereby authorized to negotiate and enter into a Purchase and Sale Agreement with the State of California Transportation Department to convey to Caltrans the 6.5-acre City-Port Parcel Nine property; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to make the election to take title to City-Port Parcel Nine in August 2006 under the terms of the City-Port MOA, in order to transfer that property to Caltrans under the terms of the Purchase and Sale Agreement; and be it

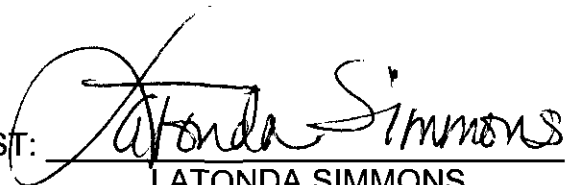
FURTHER RESOLVED: That the City Administrator is hereby authorized to take all necessary actions to support the passage of SB 674 and to accomplish the intent of this Resolution; and be it

IN SESSION, OAKLAND, CALIFORNIA, MAY 17, 2005

PASSED BY THE FOLLOWING VOTE:

AYES - 6 - BROOKS, CHANG, NADEL, QUAN, REID and
PRESIDENT DE LA FUENTE
NOES - 0
ABSENT - 0
ABSTENTION - 1 - BRUNNER

ATTEST:



LATONDA SIMMONS

Clerk of the City of Oakland