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OAKLAND

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CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 90738 C.M.S.

A RESOLUTION OF NECESSITY FOR THE ACQUISITION, BY EMINENT DOMAIN, OF REAL PROPERTY LOCATED AT 1745 14TH AVENUE, OAKLAND, CALIFORNIA, AND AUTHORIZING THE INITIATION OF CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF THE PROPERTY

WHEREAS, the City of Oakland ("City") is a charter city and municipal corporation and a public entity per Code of Civil Procedure Section 1235.190; and

WHEREAS, the City, pursuant to Sections 2.41.020 and 2.41.040 of the Oakland Municipal Code ("O.M.C."), the provisions of the California Eminent Domain Law found in Part III, Title 7 of the California Code of Civil Procedure beginning at Section 1230.010 including but not limited to Sections 1240.010, 1240.020, 1240.110 and 1240.120, and California Constitution Article 1, Section 19, is vested with the power to acquire by eminent domain any property or interest in property necessary to carry out the business of the City, such power to be exercised pursuant to the provisions of Section 1230.010 *et seq.*, of the Code of Civil Procedure; and is authorized to acquire real property by way of eminent domain by the adoption of a Resolution of Necessity pursuant to Code of Civil Procedure Section§ 1245.210, *et seq.*; and

WHEREAS, Fire Station 4, currently located at 1235 International Boulevard in Oakland, was originally designed and constructed in 1909 and is one of the oldest buildings in the City, operates 24 hours a day, 365 days a year, and responds to approximately 4,000 calls per year; and

WHEREAS, Fire Station 4 does not meet modern fire station service standards, lacks adequate facilities for a mixed-gender workforce and is a narrow building with the lack of distance between the street and firehouse doors creating traffic and other safety-related hazards; and

WHEREAS, additionally, Fire Station 4 does not meet the Americans with Disabilities Act ("ADA"), National Fire Protection Association ("NFPA"), or Occupational Safety and Health Administration ("OSHA") standards; is incapable of meeting a range of community response and resilience needs; and is unable to serve as a hub for disaster recovery activities due to limited available training, storage, and meeting space; and

WHEREAS, the City is considering the Fire Station 4 Relocation Project ("Project") in the City on certain real property located at 1745 14th Avenue, Oakland, California (Assessor's Parcel Numbers 020-0213-019-02 and 020-0213-010) ("Property"), as more particularly described on Exhibit A hereto; and

WHEREAS, the Project will allow a new fire station to be built, reducing the carbon footprint, providing greater operating efficiency, and lowering operating costs for the fire department, the City and its taxpayers/residents;

WHEREAS, the Project location, in a central location and along an arterial thoroughfare, will improve the department's ability to: (1) plan and respond to incidents in the station's vicinity, which will improve public health and safety, and (2) provide a larger role in the community with the station serving as a public space to host a wide range of safety education and community engagement programs, and (3) provide pathways for mentorship and career development; and

WHEREAS, the City proposes to acquire the Property for the Project, with the Property located within the boundaries of the City and necessary for the public use hereinafter set forth; and

WHEREAS, the City has previously determined that the Project is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15302 (replacement and reconstruction), 15304 (minor alterations to land), and 15305 (minor alterations to land use limitations), and on March 3, 2025, the City filed a Notice of Exemption ("NOE") with the County Clerk-Recorder and subsequently filed the NOE with the State Clearinghouse. True and correct copies of the documents relating to the environmental review process are on file with the City and are incorporated herein; and

WHEREAS, the public interest and necessity require that the City acquire a fee interest in the Property for public use, namely the Project, the construction of the Project, and all uses necessary, incidental or convenient thereto; and

WHEREAS, notice of the hearing for this Resolution of Necessity has been properly given as required by, and according to, the provisions of Code of Civil Procedure Section 1245.235, and a meeting has been held at which all persons whose property may be acquired by eminent domain and whose name and address appear on the last equalized County Assessment Roll have been given a reasonable opportunity to appear and be heard by the City Council on the matters set forth in Code of Civil Procedure Sections 1240.030 and 1240.510; now, therefore, be it

RESOLVED: That the City Council hereby finds, determines and resolves as follows:

1. That the public interest and necessity require the Project.
2. The Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
3. The Property sought to be acquired and described by this Resolution of Necessity is necessary for the Project.
4. Pursuant to Government Code Section 7262 *et seq.*, the City obtained a fair market value appraisal of the Property. The City set just compensation in accordance with the appraised fair market value and extended a written offer to the owner(s) of record to purchase the Property pursuant to Government Code Section 7267.2. The City's offer letter included an informational pamphlet describing the eminent domain process and the owner's rights. The City further offered to pay the property

owner the reasonable costs, up to Five Thousand Dollars (\$5,000), for an independent appraisal of the Property pursuant to Code of Civil Procedure Section 1263.025. The City further issued an offer for immovable furniture, fixtures and equipment located at the Property.

FURTHER RESOLVED: That the recitals contained herein are true and correct, and furthermore, the findings and determinations contained in this Resolution of Necessity are based on and incorporate the record before the City Council; and be it

FURTHER RESOLVED: That the findings and determinations contained herein are also based on any testimony, records, and documents produced at the hearing, all of which are incorporated herein by this reference; and be it

FURTHER RESOLVED: That to the extent that the Property is already devoted to a public use, the City Council hereby finds and determines that the use to which the Property is to be put by the City is a more necessary public use, or is a compatible use which will not unreasonably interfere with the continuance of the public use to which the Property or interests therein are already devoted, or if the acquisition will leave a remnant, the City may exercise its power of eminent domain to acquire the remnant. These findings are made in specific compliance with the provisions of Sections 1240.410 *et seq.*, 1240.510, *et seq.* and 1240.610 *et seq.* of the Code of Civil Procedure; and be it

FURTHER RESOLVED: That the City Administrator is authorized to: (1) make such minor changes in the description of the Property involved herein and in the pleadings to be filed herein as deemed necessary, in consultation with the City Attorney's Office, for the conduct of the condemnation action or other proceedings necessary to acquire the above-described interest in the Property; (2) correct any errors or to make or agree to any non-material changes to the legal description of the Property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire Property; and (3) reduce or modify the extent of the interests or Property to be acquired so as to reduce the compensation payable in the action where such change would not substantially impair the construction and operation for the Project for which the Property is being acquired; and be it

FURTHER RESOLVED: That the City Council orders and authorizes the preparation and prosecution of the proceedings in the name of the City in the Superior Court of the State of California, and for the City, or in any other court having jurisdiction thereof, as may be necessary for the acquisition of the Property by condemnation in accordance with the provisions of the laws and the Constitution of the State of California relating to eminent domain, for an order permitting the City as plaintiff to take prejudgment possession of the Property for use in the construction and completion of such public improvements and to deposit the sum of probable compensation fixed by appraisal with the State Treasurer in the State Condemnation Deposits Fund, as provided by statute; and be it

FURTHER RESOLVED: That the deposit or payment of money out of proper funds of the City for probable just compensation according to the provision of law to obtain an order for prejudgment possession, for jury fees, reporter fees and other court costs, and for counsel fees is hereby authorized; and be it

FURTHER RESOLVED: That the City Council hereby finds and determines that the Property or interest therein sought to be acquired is located entirely within the boundaries of the City of Oakland; and be it

FURTHER RESOLVED: That this Resolution shall be effective upon its adoption.

IN COUNCIL, OAKLAND, CALIFORNIA,

MAY 20 2025

PASSED BY THE FOLLOWING VOTE:

AYES - BROWN, FIFE, HOUSTON, ~~KAPLAN~~, RAMACHANDRAN, UNGER, AND

~~PRESIDENT PRO TEMPORE GALLO, JENKINS, WANG~~ 7-7

NOES - 0

ABSENT - 0

ABSTENTION - 0

1 Excused - Gallo

ATTEST: _____



ASHA REED

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

EXHIBIT A

The land referred to is situated in the County of Alameda, City of Oakland, State of California and is described as follows:

PARCEL 1:

Portion of Block 91, Higley's Map of Clinton, recorded in Book B of Deeds, Page 537, Alameda County Records, described as follows:

Beginning at the point of intersection of the Northeastern line of East 17th Street, formerly Harrison Street, with the Northwestern line of 14th Avenue, formerly Commerce Street, as the said Commerce Street is shown on the map showing the land to be taken for the opening of Commerce Street, filed August 3, 1898, said Alameda County Records; running thence Northwesterly along said line of East 17th Street 100 feet; thence at right angles Northeasterly 70 feet; thence at right angles Southeasterly 100 feet to the Northwestern line of 14th Avenue, formerly Commerce Street, aforesaid, and thence Southwesterly along said last named line 70 feet to the point of beginning.

PARCEL 2:

Commencing at a point where the Southeast line of 13th Avenue, intersects the Southwest line of East 18th Street, thence from said point of commencement running Southwesterly along said Southeast line of 13th Avenue 300 feet to the Northeasterly line of East 17th Street; thence Southeasterly along said Northeasterly line of East 17th Street, 134 feet; thence at right angles Northeasterly 70 feet; thence at right angles Southeasterly 100 feet to the Northwest line of 14th Avenue; thence along said Northwest line of 14th Avenue northeasterly 230 feet to the said Southwest line of East 18th Street; thence Northwesterly along said Southwest line of East 18th Street 234 feet to the point of commencement.

EXCEPTING THEREFROM all oil, gas and other hydrocarbons, geothermal resources as defined in Section 6903 of the California Public Resources Code, and all other minerals, whether similar to those herein specified or not, within or that may be produced from said real property; provided, however, that the surface of said real property shall never be used for the exploration, development, extraction, removal or storage of any thereof.

Also excepting the sole and exclusive right from time to time to drill and maintain wells or other works into or through said real property below a depth of 500 feet and to produce, inject, store and remove from and through such wells or works oil, gas, water and other substances or whatever nature, including the right to perform and any and all operations deemed by Grantor necessary or convenient for the exercise of such rights, as reserved in the Deed from Standard Oil Company of California, a Corporation recorded August 19, 1974, Series No. 74-108615, Alameda County Records.

APN's: 020-0213-019-02 and 020-0213-010