
DEPUTY CITY ATTORNEY CLERK
OAKLAND

2005 JUN -9 AM 10: 07

ORDINANCE NO. 12689 C. M. S.

ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO A SALES AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) TO SELL CITY OWNED PROPERTY LOCATED NEAR INTERSTATE 880 AND 5TH AVENUE (ASSESSOR PARCEL NUMBER 0000-0455-010 (PORTION)); APPROPRIATING THE PROCEEDS OF THE SALE INTO THE REAL ESTATE SURPLUS PROPERTY PROJECT; AND GRANTING PERMANENT MAINTENANCE EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS WITH AN EXPIRATION DATE OF JANUARY 31, 2011 FOR CITY OWNED PROPERTIES (ASSESSOR PARCEL NUMBERS 0000-0455-090 AND 0000-0455-010); ALL PROPERTY RIGHTS WILL BE CONVEYED FOR A FAIR MARKET VALUE TO BE DETERMINED, BUT NOT LESS THAN \$195,100

WHEREAS, the City of Oakland (City) is the owner of two parcels of land located on or near a former railroad spur along Interstate 880 near 5th Avenue identified as APN 0000-0455-090 and APN 0000-0455-010, both illustrated in Exhibit "A" attached hereto; and

WHEREAS, the California Department of Transportation (Caltrans) is scheduled to begin a seismic retrofit project on Interstate 880 that includes replacing the overhead deck near the 5th Avenue exit; and

WHEREAS, Caltrans requires certain property rights to the City owned parcels for construction and maintenance of the highway; and

WHEREAS, Caltrans has requested a permanent maintenance easement and temporary construction easement for parcel APN 0000-0455-090; and

WHEREAS, the permanent maintenance easement requires approximately 474 square feet and the temporary construction easement, expiring December 31, 2011, requires 23,271 square feet for parcel APN 0000-0455-090; and

WHEREAS, Caltrans has requested a permanent highway easement or fee, permanent maintenance easement and temporary construction easement from APN 0000-0455-010; and

WHEREAS, the permanent highway easement or fee that Caltrans plans to acquire requires 2,027 square feet, the permanent maintenance easement requires 657 square feet and the temporary construction easement, expiring December 31, 2001, requires 23,842 square feet for APN 0000-0455-010 illustrated in Exhibit "A"; and

WHEREAS, the granting of easements and conveyance of properties are exempt from the requirements of the California Environmental Quality Act ("CEQA") by Section

15301 (existing facilities) and Section 15302 (replacement and reconstruction) of the CEQA Guidelines; and

WHEREAS, Caltrans has agreed to provide on-going access to the parcels to City employees, its agents and its representatives; and

WHEREAS, the fair market value for the parcel Caltrans desires to acquire was determined to be \$195,100 over four years ago; and

WHEREAS, Caltrans has determined that the public interest and necessity require the project, has determined that the project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury, and has presented the City a written offer for the property rights; and

WHEREAS, Caltrans has notified the City that it has submitted a Resolution of Necessity for the property rights to parcel APN 000O-0455-010 to the California Transportation Commission; now therefore

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

SECTION 1. The City Council finds and determines the requirements to issue a permanent highway easement, two permanent maintenance easements and two temporary construction easements have been satisfied.

SECTION 2. The City Council hereby authorizes and directs the City Administrator to negotiate and execute a Right of Way Contract – State Highway and an Easement Deed for City parcels APN 000O-0455-090 and APN 000O-0455-010 located along Interstate 880 near 5th Ave.

SECTION 3. The City Administrator is authorized to negotiate and execute a Sales Agreement with Caltrans for fair market value, but no less than \$195,100.

SECTION 4. The amount paid by Caltrans to the City is hereby appropriated and shall be deposited into Real Estate Surplus Property Project (1010), Real Estate Services Org (88639), Miscellaneous Sales Account (45519), Project (P47010), Program (PS32).

SECTION 5. The City Administrator is authorized and directed to take any and all actions required to grant the property rights necessary.

SECTION 6 The City Administrator is hereby directed to file a Notice of Exemption.

SECTION 7. The City Administrator or her designee is hereby authorized to negotiate, execute and amend all documents and agreements and to take all actions necessary to carry out the intent of this Ordinance and to complete the transaction.

SECTION 8. The City Attorney shall review and approve as to form and legality all documents and agreements prepared pursuant to this Ordinance and a copy shall be filed with the Office of the City Clerk.

Introduction Date: JUN 21 2005

In Council, Oakland, CA JUL 19 2005

IN COUNCIL, OAKLAND, CALIFORNIA PASSED BY THE FOLLOWING VOTE:

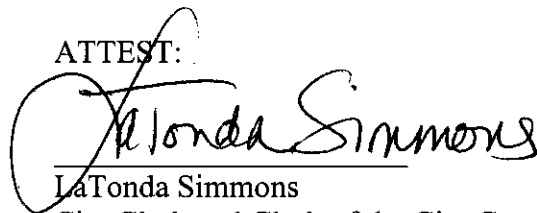
AYES- BROOKS, BRUNNER, CHANG, NADEL, REID, QUAN, KERNIGAHAN, AND CHAIR PERSON
DE LA FUENTE - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST:



LaTonda Simmons

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



FILED
OFFICE OF THE CITY CLERK
OAKLAND

NOTICE AND DIGEST

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This ordinance provides for the granting of a highway easement or fee, two permanent maintenance easements and two temporary construction easements near Interstate 880 and 5th Avenue. The easements are being granted to allow Caltrans to seismically retrofit, construct, replace and maintain the existing 5th Avenue deck.

