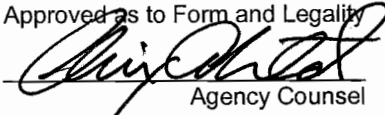


FILED
OFFICE OF THE CITY CLERK
OAKLAND
2008 DEC -4 PM 6:16

REVISED
12/2/08

Approved as to Form and Legality

Agency Counsel

REDEVELOPMENT AGENCY
OF THE CITY OF OAKLAND

Resolution No. 2008-0105 C.M.S.

- RESOLUTION AUTHORIZING THE AGENCY ADMINISTRATOR TO:**
- 1) NEGOTIATE AND EXECUTE AN AMENDMENT TO THE APRIL 29, 2005 UNDER-FREEWAY EASEMENT FROM CALTRANS TO EXPAND THE AGENCY'S EASEMENT USES TO INCLUDE VEHICLES AND VEHICLE STORAGE;**
 - 2) NEGOTIATE AND EXECUTE A PHASE II TIDELANDS TRUST EXCHANGE AGREEMENT FOR APPROXIMATELY 11.6 ACRES OF OAKLAND ARMY BASE UNDER-FREEWAY PARCELS 3, 3A, 7, 7A & 8 AND TAKE ANY ACTIONS NECESSARY TO IMPLEMENT THE AGREEMENT; AND**
 - 3) NEGOTIATE AND EXECUTE AN EASEMENT IN FAVOR OF CALTRANS FOR A SAN FRANCISCO BAY TRAIL CONNECTION TO MARITIME STREET**

WHEREAS, as part of a settlement of the 2002 lawsuit among the Port of Oakland, the City of Oakland, the Oakland Redevelopment Agency (Agency), the Oakland Base Reuse Authority, and the California Department of Transportation (Caltrans), Caltrans granted the Agency an easement to Army Base under-freeway property limited to landscaping, utilities, roadways and un-laden truck parking. The limitation on the easement rights was based in part on Interstate Highway security concerns; and

WHEREAS, Caltrans has agreed to expand the easement rights to include parking of any vehicle and storage of commercial vehicles in addition to the existing easement rights; and

WHEREAS, in August 2006, the Oakland Army Base Tidelands Title Settlement and Trust Exchange was executed and recorded settling the Tidelands Trust status of the entire Army Base property except the under-freeway portions; and

WHEREAS, Agency staff has been working with State Lands and Caltrans to settle the status of the Agency-owned under-freeway property and to remove portions of it from the public trust; and

WHEREAS, Caltrans has requested an easement across a portion of the Central Gateway Area property to connect the San Francisco Bay Trail segment along Interstate 80 to Maritime Street; and

WHEREAS, the Agency and Caltrans wish to enter into such an easement agreement to facilitate and enhance the recreational opportunities and services for Oakland residents and East Bay residents; and

WHEREAS, the actions taken pursuant to this resolution are exempt from the requirements of the California Environmental Quality Act (CEQA) by Section 15269 (emergency projects), Section 15282(f) (settlement of tidelands trust title and boundary problems), Section 15301 (existing facilities) and Section 15302 (replacement and reconstruction) of the CEQA Guidelines; now, therefore, be it

RESOLVED: The Agency Administrator is authorized to negotiate and execute an amendment to the April 29, 2005 Under-Freeway Easement between Caltrans and the Agency to expand the allowable uses to include parking of any vehicle and storage of commercial vehicles in addition to the existing easement rights; and be it

FURTHER RESOLVED: The Agency Administrator is authorized to negotiate and execute a Phase II Tidelands Trust Exchange Agreement for Approximately 11.6 acres of Oakland Army Base Under-Freeway Parcels 3, 3A, 7, 7A & 8 and to take any actions necessary to implement the agreement; and be it

FURTHER RESOLVED: The Agency Administrator is authorized to negotiate and execute an easement benefitting Caltrans across a portion of the Central Gateway Area property to connect the San Francisco Bay Trail segment along Interstate 80 to the Maritime Street San Francisco Bay Trail segment; and be it

FURTHER RESOLVED: That the Agency has independently reviewed and considered this environmental determination, and the Agency finds and determines that this action complies with CEQA because this action on the part of the Agency is exempt from CEQA under Section 15269 (emergency projects), Section 15282(f) (settlement of tidelands trust title and boundary problems), Section 15301 (existing facilities) and Section 15302 (replacement and reconstruction) of the CEQA Guidelines, and directs the Agency Administrator to file a Notice of Exemption with the County of Alameda; and be it

FURTHER RESOLVED: That the agreements shall be approved as to form and legality by Agency Counsel prior to execution and a copy shall be filed with the Agency Secretary; and be it

FURTHER RESOLVED: That the Agency Administrator or his designee is hereby authorized to take whatever other actions are necessary consistent with this Resolution and its basic purposes.

IN AGENCY, OAKLAND, CALIFORNIA,

DEC 9 2008

PASSED BY THE FOLLOWING VOTE:

AYES – BRUNNER, KERNIGHAN, NADEL, QUAN, BROOKS, REID, CHANG AND
CHAIRPERSON DE LA FUENTE - 8

NOES – 0

ABSENT – 0

ABSTENTION – 0

ATTEST:



LATONDA SIMMONS

Secretary of the Redevelopment Agency
of the City of Oakland, California