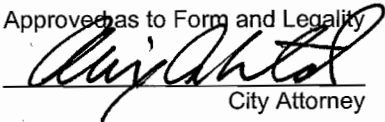


FILED
OFFICE OF THE CITY CLERK
OAKLAND

2008 DEC -4 PM 6:16

REVISED
12/2/08

Approved as to Form and Legality


City Attorney

OAKLAND CITY COUNCIL

Resolution No. 81726 C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE AN AMENDMENT TO THE APRIL 18, 2002 ARMY BASE SETTLEMENT AGREEMENT TO EXTEND CALTRANS' USE OF 26 ACRES OF THE WEST GATEWAY AREA PROPERTY FROM APRIL 2013 TO APRIL 2016

WHEREAS, in 2002 as part of the settlement of a lawsuit brought by the Port of Oakland (Port), the City of Oakland (City), the Oakland Redevelopment Agency (Agency) and the Oakland Base Reuse Authority (OBRA), against the Department of Transportation (Caltrans), Oakland parties agreed not to challenge an easement granted by the federal government to Caltrans over approximately 26 acres of land in the West Gateway portion of the former Oakland Army Base, located at what is known as Pier 7; and

WHEREAS, on April 18, 2002, the parties executed the 2002 Oakland Army Base Settlement Agreement, providing in part that Caltrans may use and occupy Pier 7 for eight years from April 2002 to April 2010, with an option to extend for three additional years to 2013; and

WHEREAS, Caltrans paid the Agency and the Port \$11.6 million as a settlement agreement payment for the eight-year easement, as part of a larger settlement; and

WHEREAS, Caltrans has given notice that it will exercise the three year option to extend the easement, and it has requested an additional two year extension with a one-year option to the easement; and

WHEREAS, in exchange for the three-year option period and the additional two-year extension, Caltrans has offered the Agency a one-time payment of at least \$10,835,283 which represents the net present value of the fair market value for the use of the property; 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) and Section 15301 (existing facilities) and Section 15302 (replacement and reconstruction) of the CEQA Guidelines; now, therefore, be it

RESOLVED: That the City Council hereby authorizes the City Administrator to negotiate and execute an amendment to the April 18, 2002 Oakland Army Base Settlement Agreement to allow for Caltrans to use and occupy approximately 26 acres of the West Gateway Area of the former Oakland Army Base, known as Pier 7, to facilitate completion of the Caltrans Bay Bridge Project, through April 17, 2015, with a one-year, 2.7 million dollar option to April 17, 2016; and be it

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

FURTHER RESOLVED: That the amendments to the 2005 Purchase and Sale Agreement and the 2002 Settlement Agreement shall be approved as to form and legality by City Attorney prior to execution and a copy shall be filed with the City Clerk; and be it

FURTHER RESOLVED: That the City 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:

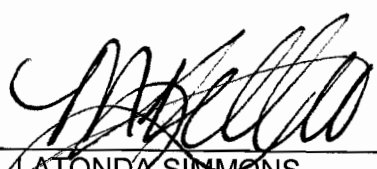
AYES – BRUNNER, KERNIGHAN, NADEL, QUAN, BROOKS, REID, CHANG AND
PRESIDENT DE LA FUENTE - 8

NOES – 0

ABSENT – 0

ABSTENTION – 0

ATTEST: _____


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