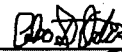


FILED
OFFICE OF THE CITY CLERK
OAKLAND

22 APR 12 AM 12:10

APPROVED AS TO FORM AND LEGALITY



Celso Ortiz (Apr 12, 2022 09:49 PDT)

CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 89053 C.M.S.

RESOLUTION 1) AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE AN ACQUISITION AND MAINTENANCE AGREEMENT WITH THE CITY OF SAN LEANDRO FOR THE MACARTHUR ROUNDABOUT PROJECT, 2) APPROVING THE CONSTRUCTION PLANS FOR THE PROJECT, AND 3) WAIVING THE PROJECT CONSTRUCTION PERMIT FEES

WHEREAS the Cities of San Leandro and Oakland are public agencies that share the common desire and interest to have a roundabout constructed at the intersection of MacArthur Boulevard, Superior Avenue, and Foothill Boulevard (the "Project", and after construction of the Project is complete, the "Roundabout") to improve safety, reduce traffic speeds, and make the intersection safer for all modes of transportation; and

WHEREAS, the Project footprint is within both Cities, as well as within property owned by the California Department of Transportation (Caltrans); and

WHEREAS, San Leandro has obtained funds to design, construct and maintain the Project and is currently working with Caltrans to acquire the Caltrans Property to facilitate construction of the Project with the understanding that the Caltrans Property within Oakland boundaries will ultimately be transferred to Oakland; and

WHEREAS Oakland is not interested in acquiring the Caltrans Property declared excess by Caltrans pursuant to its right-of-way decertification process until after San Leandro acquires the Caltrans Property from Caltrans and San Leandro constructs the Project; and

WHEREAS the Parties desire to enter into an agreement memorializing the acquisition and transfer of the Caltrans Property, construction of the Project, and maintenance of the Roundabout; and

WHEREAS, San Leandro, at its cost and expense, shall construct, or cause to be constructed, the Project pursuant to the Construction Permit and all other permits and governmental approvals required for construction of the Project; however, San Leandro has requested that the Oakland waive the Construction Permit fee, estimated at \$5,000; and

WHEREAS, San Leandro, at its cost and expense, shall maintain the improvements comprising the Roundabout, including, but not limited to, sidewalks, paving, pavement striping and markings, streetlights, street signage, the retaining wall, and landscaping, located within the area shown on Exhibit A, attached hereto; and

WHEREAS Oakland staff have reviewed and approved the construction plans for the project; now therefore be it

RESOLVED: that the City Administrator is hereby authorized to finalize and execute the acquisition and maintenance agreement between the City of San Leandro and the City of Oakland for the MacArthur Roundabout Project; and be it

FURTHER RESOLVED: that the City Administrator is hereby authorized to approve any subsequent amendments of the acquisition and maintenance agreement for the MacArthur Roundabout project, provided that such amendments shall be approved by the City Attorney's Office and shall be filed with the Office of the City Clerk; and be it

FURTHER RESOLVED: that the City Council hereby approves the construction plans for the MacArthur Roundabout Project, as prepared by the City of San Leandro, and reviewed and approved by the City Engineer, including subsequent design changes that may be made, provided they are reviewed and approved by the City Engineer or designee; and be it

FURTHER RESOLVED: that the permit fees for the construction of the Project within the City of Oakland, estimated at \$5,000.00, are hereby waived; and be it

FURTHER RESOLVED: that the City Administrator is hereby authorized to take any and all actions necessary for the completion of the Project, without further return to the City Council.

IN COUNCIL, OAKLAND, CALIFORNIA,

MAR 01 2022

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND PRESIDENT FORTUNATO BAS ~~8~~

NOES - 0

ABSENT - 0

ABSTENTION 0

ATTEST:



ASHA REED

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

Exhibit A