

2009 SEP -3 PM 5:06

OAKLAND CITY COUNCIL

Resolution No. 82282 C.M.S.

Introduced by Councilmember _____

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO
DIRECT STAFF TO PROCEED WITH RIGHT-OF-WAY ACQUISITION
FOR THE 42ND AVENUE AND HIGH STREET ACCESS
IMPROVEMENT PROJECT (C98530)**

WHEREAS, the City Council approved a Resolution No. 76735 C.M.S., October 2, 2001, authorizing application and acceptance of a Grant from the 2002 Regional Transportation Improvement Program (RTIP) for 42nd Avenue and High Street Access Improvements to I-880 (Project); and

WHEREAS, environmental clearance for the Project was completed in November 5, 2004; and

WHEREAS, the Project design phase was completed in December 2004; and

WHEREAS, the Project will improve traffic circulation and pedestrian and bicycle access in the area; and

WHEREAS, the Project received approval in the City Council Resolution No. 81038 C.M.S. that endorsed the top priorities for funding in the current twenty-five (25) year Countywide Transportation Plan; and

WHEREAS, right-of-way is required to undertake the Project and would require the acquisition of portions of parcels (by easement or fee) from nine businesses and City staff will seek City Council approval for these acquisitions after the right of way map has been finalized and as negotiations are completed with property owners and occupant(s). The Assessor Parcel Numbers and tentative locations are included in *Exhibit A*; and

WHEREAS, the City is authorized by California Government Code Sections 37350.5 and 40404 to acquire property interests by eminent domain for public purposes including improving and widening streets within the City; and

WHEREAS, the California Transportation Commission right-of-way funding expenditure is allocated through June 30, 2010; and

WHEREAS, all property rights for the Project must be obtained by June 30, 2010; now, therefore, be it

RESOLVED: That the City Council finds that the Project could not go forward without the acquisition of the property rights since the Properties provide for the additional land needed for the access improvements and are therefore necessary for the Project completion; and be it

FURTHER RESOLVED: That on March 7, 2001 a Combined Initial Study (CIS) and Environmental Assessment was prepared for the project under the requirements of the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). The results of the requirements determined that the Project would not have any significant environmental impacts. Therefore, an Environmental Impact Report is not required; and be it

FURTHER RESOLVED: That the City Council approve the resolution authorizing the City Administrator and his designees to proceed with right-of-way acquisition including fee takes, temporary construction easements and real property relocation for the construction of 42nd Avenue and High Street Access Improvement Project and all process necessary for acquiring and securing all right-of-way for the project.

SEP 22 2009

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, ~~DE LA FUENTE~~, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, AND PRESIDENT BRUNNER - 7

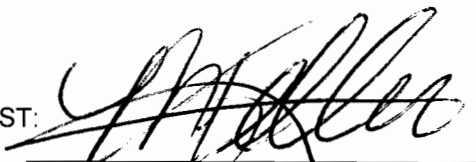
NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - De La Fuente - 1

ATTEST:



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

EXHIBIT A
FEE TAKE AND TEMPORARY CONSTRUCTION EASEMENT TABLE
42nd AVENUE - HIGH STREET
CITY OF OAKLAND
JANUARY, 2009

PARCEL #	TYPE	ASSESSOR'S PARCEL NUMBER	TOTAL PARCEL AREA (SF±)	FEE TAKE OR TCE REQUIRED AREA (SF±)	OWNER
	FEE	033-2203-008-1	49,114	3,335	LARM'S BUILDING SUPPLY
	FEE	034-2290-007	19,995	315	BACON, MCCOMBS
	FEE	034-2290-006-1	33,495	3,458	VICTOR & LYE KYIN CHU
	FEE	034-2295-001-3	44,295	5,512	EQUILON ENTERPRISES
	FEE	033-2250-013-1	113,367	921	FRIENDLY TRANSPORTATION
	FEE	033-2203-002	14,571	3,155 SF	CLIFFORD J. & FREDENA J. ASBILL
	FEE	033-2250-013-1	113,367	16,923	FRIENDLY TRANSPORTATION
	FEE	033-2203-006	2,824	1,065	LAURENCE C. & DIANE M. WEBSTER
	FEE	033-2203-004-2	37,979	3,497	LAURENCE C. & DIANE M. WEBSTER
	FEE	033-2250-018-3	772,446	30,558	HOME DEPOT
	TCE	033-2203-004-2	37,979	589	LAURENCE C. & DIANE M. WEBSTER
	TCE	033-2250-018-3	772,446	3,602	HOME DEPOT
	TCE	033-2250-018-3	772,446	6,888	HOME DEPOT
	FEE	033-2250-013-1	113,367	2,115	FRIENDLY TRANSPORTATION
	TCE	033-2250-018-3	772,446	325	HOME DEPOT
	TCE	033-2203-008-1	49,114	926	LARM'S BUILDING SUPPLY
	TCE	034-2293-006-7	80,989	371	BACON, MCCOMBS
	TCE	034-2290-007	19,995	208	BACON, MCCOMBS
	TCE	034-2290-006-1	33,495	282	VICTOR & LYE KYIN CHU
	TCE	033-2250-013-1	113,367	160	FRIENDLY TRANSPORTATION
	TCE	033-2203-002	14,571	463	CLIFFORD J. & FREDENA J. ASBILL
	TCE	034-2295-001-3	44,295	800	EQUILON ENTERPRISES
	TCE	033-2250-013-1	113,367	413	FRIENDLY TRANSPORTATION
	TCE	033-2250-013-1	113,367	103	FRIENDLY TRANSPORTATION
	TCE	033-2250-009-2	104,096	177	SMOOKE SONS INVESTMENT
	TCE	033-2250-013-1	113,367	1,731	FRIENDLY TRANSPORTATION
	TCE	033-2203-006	2,824	42	LAURENCE C. & DIANE M. WEBSTER
	TCE	034-2290-006-1	33,495	105	VICTOR & LYE KYIN CHU



CITY OF OAKLAND
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