

INTRODUCED BY \_\_\_\_\_  
OFFICE OF THE CITY MEMBER  
OAKLAND

*A. Miller*

City Attorney

2016 JUN 17 AM 9:00

**OAKLAND CITY COUNCIL**

**ORDINANCE NO. 18877 C.M.S.**

**ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE AN EASEMENT AGREEMENT WITH EAST BAY MUNICIPAL UTILITY DISTRICT FOR A 40 FOOT-WIDE ROADWAY ON THE FORMER OAKLAND ARMY BASE**

**WHEREAS**, on July 19, 2012, the City and the East Bay Municipal Utility District (“EBMUD”) executed a Memorandum of Agreement (EBMUD MOA) to resolve litigation regarding the City’s development of City-owned property at the former Oakland Army Base; and

**WHEREAS**, the EBMUD MOA obligates the City to lease a 40-foot wide easement to EBMUD; and

**WHEREAS**, the intent of the parties was to obligate the City to grant, not lease, a 40-foot wide easement to EBMUD; and

**WHEREAS**, the parties have agreed to the terms and conditions by which the City will grant EBMUD the rights it needs pursuant to the EBMUD MOA;

NOW, THEREFORE THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

**Section 1.** The City Administrator is authorized to negotiate, acknowledge, execute, and grant to EBMUD a 40-foot wide easement area for a road on the former Oakland Army Base.

**Section 2.** The City has independently reviewed and considered the 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 pursuant to Section 15061(b)(3) (general rule) of the CEQA Guidelines.

**Section 3.** The City Administrator or her designee shall cause to be filed with the County of Alameda a Notice of Exemption for this action.

**Section 4.** The EBMUD easement shall be reviewed and approved as to form and legality by the City Attorney prior to execution.

**Section 5.** The City Administrator is further authorized to take whatever action is necessary with respect to the EBMUD easement consistent with this Ordinance and its basic purposes.

IN COUNCIL, OAKLAND, CALIFORNIA,

July 19, 2016

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID, AND  
PRESIDENT GIBSON MCELHANEY - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

Introduction Date

Council

JUL 0 5 2016

ATTEST:

LaTonda Simmons  
LaTonda Simmons  
City Clerk and Clerk of the  
of the City of Oakland, California

DATE OF ATTESTATION:

July 20, 2016

## **NOTICE AND DIGEST**

### **ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE AN EASEMENT AGREEMENT WITH EAST BAY MUNICIPAL UTILITY DISTRICT (EBMUD) FOR A 40 FOOT-WIDE ROADWAY ON THE FORMER OAKLAND ARMY BASE**

This ordinance authorizes the City Administrator to negotiate and execute an easement agreement with East Bay Municipal Utility District for a 40 foot-wide roadway on the former Oakland Army Base