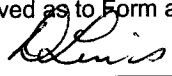


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Oakland City Attorney's Office

## OAKLAND CITY COUNCIL

Ordinance No. 12832 = C.M.S.

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**AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO (1) NEGOTIATE AND EXECUTE A REAL PROPERTY EXCHANGE AGREEMENT WITH THE EAST BAY REGIONAL PARK DISTRICT ("EBRPD") FOR THE EXCHANGE OF CITY OF OAKLAND OWNED LANDS LOCATED NEAR ROBERTS REGIONAL RECREATION AREA, REDWOOD RECREATIONAL PARK, TEMESCAL REGIONAL AREA, AND THE CLAREMONT CANYON REGIONAL PRESERVE, FOR EBRPD OWNED LANDS LOCATED IN SHEPHERD CANYON, AND (2) GRANT A WEST RIDGE TRAIL EASEMENT AND A REDWOOD BOWL PARKING LOT EASEMENT TO EBRPD IN CONSIDERATION OF ITS PAYMENT OF THE CITY'S SHARE (\$15,000) OF THE COST TO PREPARE THE LEGAL DESCRIPTIONS OF THE PROPERTIES TO BE EXCHANGED**

**WHEREAS**, for a number of years the City of Oakland ("City") has maintained park land owned by the East Bay Regional Park District ("District"), and the District has maintained park land owned by the City; and

**WHEREAS**, the City and the District entered into a Memorandum of Understanding ("MOU") dated March 27, 2000 which required the following:

1. The District and the City to enter into a Real Property Exchange Agreement for the transfer of the City-owned lands shown on the map attached to the MOU and attached as Exhibit A hereto, in exchange for the District-owned lands shown on the map attached to the MOU and attached hereto as Exhibit B.
2. The District and the City to share the cost of preparing all legal descriptions required for the exchange, but limiting the City's share to \$15,000.
3. The District to grant an Encroachment Permit to the City for the purpose of installing the sanitary relief sewer pipeline through the Oakland Regional Park, to expire on December 31, 2001; and

**WHEREAS**, the City has installed the sanitary relief sewer pipelines in accordance with the Encroachment Permit; and

**WHEREAS**, the City and the District now desire to enter into Real Property Exchange Agreement to effectuate the exchange; and

**WHEREAS**, the City and the District desire to amend the MOU to require the District to pay the City's share of the cost (not to exceed \$15,000) of preparing the legal description for the properties involved in the exchange as consideration for the City granting the District a trail easement over the West Ridge Trail and a parking lot easement over the Redwood Road Parking Lot, at no cost to the City, with the easements subject to the District's obligation to maintain both easements and to indemnify and hold the City harmless from any third party claims relating to both easements; and

**WHEREAS**, the City has been maintaining the Redwood Road Parking Lot and the grant of the parking lot easement to the District is expected to save the City about \$32,000 per year; and

**WHEREAS**, the requirements of the California Environmental Quality Act of 1970 ("CEQA"), the CEQA Guidelines as prescribed by the Secretary of Resources, and the provisions of the Environmental Review Regulations of the City of Oakland have been satisfied; now, therefore:

**THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:**

**Section 1.** Consent to negotiate and execute a real property exchange agreement pursuant to the MOU, which shall provide for the following:

1. The City Administrator is authorized to exchange City owned lands identified in Exhibit A for the District owned lands identified in Exhibit B.
2. The City Administrator is authorized to grant the trail easement and the parking lot easement in consideration for a) the District's full payment of the City's share (not to exceed \$15,000) of preparing the legal description of the lands involved in this exchange and b) the District's obligation to maintain both easements and to indemnify and hold the City harmless from any third party claims relating to the easements.

**Section 2.** The City Administrator is authorized to transfer City-owned lands to the District and to accept District-owned lands from the District.

**Section 3.** The City Administrator, or her designee, is authorized to negotiate and execute the exchange agreement, to execute Quitclaim Deeds conveying the City-owned land to the District, to negotiate and execute the easements and any and all other documents necessary to effectuate the provisions of this Ordinance.

**Section 4.** That the City Council has independently reviewed and considered this environmental determination, and the Council 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 15316 (transfer of ownership of land in order to create parks) and Section 15325 (transfer of ownership of interest in land to preserve existing natural conditions and historical resources) of the CEQA guidelines, and Council directs the City Administrator to file a Notice

of Exemption and an Environmental Declaration (CA Fish and Games Code Sec. 711.4) with the County of Alameda.

**Section 5.** The City Attorney's Office shall approve the real property exchange agreement as to form and legality and a copy shall be filed with the Office of the City Clerk.

**Section 6.** This Ordinance shall become effective immediately on the final adoption if it receives six or more affirmative votes; otherwise, it shall become effective upon the seventh day after final adoption.

IN COUNCIL, OAKLAND, CALIFORNIA, OCT 2 2007, 2007

**PASSED BY THE FOLLOWING VOTE:**

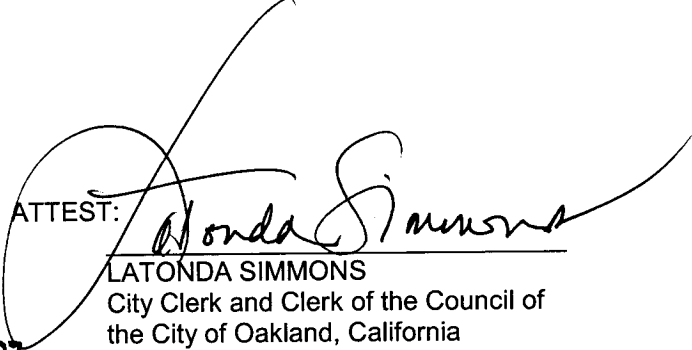
AYES - BRUNNER, KERNIGHAN, NADEL, QUAN, BROOKS, REID, CHANG, AND  
PRESIDENT DE LA FUENTE - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:

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

Introduction Date: **SEP 18 2007**

## NOTICE AND DIGEST

**AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO (1) NEGOTIATE AND EXECUTE A REAL PROPERTY EXCHANGE AGREEMENT WITH THE EAST BAY REGIONAL PARK DISTRICT (“EBRPD”) FOR THE EXCHANGE OF CITY OF OAKLAND OWNED LANDS LOCATED NEAR ROBERTS REGIONAL RECREATION AREA, REDWOOD RECREATIONAL PARK, TEMESCAL REGIONAL AREA, AND THE CLAREMONT CANYON REGIONAL PRESERVE, FOR EBRPD OWNED LANDS LOCATED IN SHEPHERD CANYON, AND (2) GRANT A WEST RIDGE TRAIL EASEMENT AND A REDWOOD BOWL PARKING LOT EASEMENT TO EBRPD IN CONSIDERATION OF ITS PAYMENT OF THE CITY’S SHARE (\$15,000) OF THE COST TO PREPARE THE LEGAL DESCRIPTIONS OF THE PROPERTIES TO BE EXCHANGED**

This Ordinance authorizes the City Administrator to negotiate and execute a real property exchange for a number parcels owned and maintained by the City of Oakland for parcels owned and maintained by the East Bay Regional Parks District, and to grant easements for a trail and a parking lot.