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Celso Ortiz (June 25, 2022, 1:54 PM)
CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 89331 C.M.S.

ADOPT A RESOLUTION:

1) AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE:

(A) A PROJECT SPECIFIC MAINTENANCE AGREEMENT BETWEEN THE CITY AND CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) FOR THE OAK KNOLL DEVELOPMENT PROJECT AND EAST 12TH STREET BIKEWAY PROJECT AS PART OF THE TERMS OF A FUTURE CALTRANS ENCROACHMENT PERMIT APPLIED FOR BY THE CITY REQUIRED FOR CONSTRUCTION ON CALTRANS RIGHT OF WAY; AND

(B) AN AMENDMENT TO THE MAINTENANCE AGREEMENT DATED AUGUST 23 1991 WITH THE CALIFORNIA TRANSPORTATION DEPARTMENT FOR THE OAK KNOLL DEVELOPMENT PROJECT AND EAST 12TH STREET BIKEWAY PROJECT AS PART OF THE TERMS OF A FUTURE CALTRANS ENCROACHMENT PERMIT APPLIED FOR BY THE CITY REQUIRED FOR CONSTRUCTION ON CALTRANS RIGHT OF WAY; AND

2) ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

WHEREAS, the Oak Knoll Development project is a mixed-use residential and commercial project consisting of 918 residences, 72,000 sq ft of neighborhood commercial, 14,000 sq ft of civic/commercial use, open space, creek restorations, and trails; and

WHEREAS, the City Council certified the Oak Knoll Development Project Supplemental Environmental Impact Report (SEIR) and approved the project on November 7, 2017, by Resolution No. 86963 C.M.S.; and

WHEREAS, The East 12th Street Bikeway Project is exempt under CEQA (Section 15301, Class 1: Existing Facilities); and

WHEREAS, among the conditions of approval and mitigations, the project is required to construct five (5) traffic signals that are located partially or entirely on right of way owned by the State of California, Department of Transportation (Caltrans), which requires their approval for construction, operation and maintenance; and

WHEREAS, the East 12th Street Bikeway Project, from 35th Avenue to 54th Avenue, is a significant bicycle and pedestrian safety and access project that was approved for funding by the City Council on September 19, 2017 (Resolution 86894 CMS); and

WHEREAS, a portion of the project on East 12th Street includes improvements on the 42nd Avenue overcrossing bridge structure owned and operated by Caltrans; and

WHEREAS, pursuant to Oakland Charter Article V, Section 504 (1), the City Administrator, when directed by the Council, may represent the City in intergovernmental relations and negotiate contracts for joint governmental actions, subject to Council approval: and

WHEREAS, permission to make such improvements require that the City stipulate to a maintenance agreement acknowledging the City's responsibilities to maintain them; now, therefore, be it

RESOLVED: That the City Administrator, or designee, the Director of the Department of Transportation, be, and hereby are authorized to negotiate and execute 1) a Project Specific Maintenance Agreement and 2) an amendment to the August 23, 1991 maintenance agreement, with Caltrans; and be it

FURTHER RESOLVED: That the City Council certified the Oak Knoll Development Project Supplemental Environmental Impact Report (SEIR) and approved the project on November 7, 2017 by Resolution 86963 C.M.S.; and be it

FURTHER RESOLVED: That Council finds and determines that the East 12th Street Bikeway Project is exempt under CEQA (Section 15301, Class 1: Existing Facilities); and be it

FURTHER RESOLVED: That A Notice of Determination/Notice of Exemption will be filed with Alameda County prior to advertising the project for construction bids; and be it

FURTHER RESOLVED: that the City Administrator is hereby authorized to take any and all actions necessary for the completion of the Projects, except appropriation of funds, and be it

FURTHER RESOLVED: That the agreements and amendments authorized hereunder shall be reviewed and approved by the City Attorney for form and legality and shall be placed on file in the office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 19 2022

PASSED BY THE FOLLOWING VOTE:

AYES - ~~WILLIAMS~~ GALLO, KALB, ~~WILLIAMS~~ REID, TAYLOR, THAO AND
PRESIDENT FORTUNATO BAS - 6

NOES - 0

ABSENT - 0

ABSTENTION - 0

2 Excused - Rife & Kapler

ATTEST:



ASHA REED

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