

FILED
OFFICE OF THE CITY CLERK
OAKLAND

CITY OF OAKLAND

AGENDA REPORT

2009 SEP -3 PM 5:06

Office of the City Administrator
ATTN: Dan Lindheim
FROM: Community and Economic Development Agency
DATE: September 15, 2009

RE: **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)**

SUMMARY

A resolution has been prepared authorizing the City Administrator to direct staff to proceed with the right-of-way acquisition for the 42nd Avenue and High Street Access Improvement Project. The project has been a part of the City's Capital Improvement Program since 1999, and was affirmed as a priority project by the City Council through passage of Resolution No. 81038 C.M.S. on October 25, 2007. This resolution endorsed the top funding priorities for the 2008 countywide transportation plan for the next 25 years.

On October 2, 2001, the City Council approved Resolution No. 76735 C.M.S. authorizing application, acceptance and appropriation of a Grant from the 2002 Regional Transportation Improvement Program (RTIP) for 42nd Avenue and High Street Access Improvements to I-880 (see *Attachment A*). Although the right-of-way element was included in the 2001 report, the accompanying resolution did not authorize right-of-way acquisition.

The proposed resolution will authorize the City Administrator to direct staff to acquire right of way necessary for the construction of the project. Funding for right-of-way acquisition was authorized by California Transportation Commission, and will expire June 30, 2010.

FISCAL IMPACT

Approval of this resolution will authorize the City Administrator to direct staff to proceed with property acquisitions required for the construction of the 42nd Avenue and High Street Access Improvement. Resolution No. 76735 C.M.S. dated October 2, 2001, authorized application, acceptance and appropriation of RTIP funds for the project. 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. 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).

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BACKGROUND

Caltrans has in recent years embarked on a number of seismic retrofit projects throughout the State and has completed the design for such an upgrade for the portion of I-880 crossing over High Street. The retrofit project includes realignment of 42nd Avenue access to High Street. At the same time, the City has been working on the 42nd Avenue and High Street Access Improvement Project (C98510) to tie into the proposed realignment of 42nd Avenue. This project addresses the poor access and circulation in the area near the freeway on and off ramps, the City of Alameda, the Coliseum area and numerous businesses on both sides of I-880. Project main features include:

- Extension of 42nd Avenue to the south from I-880 to Alameda Avenue;
- Extension of Jensen Street to the west to connect High Street with the extension of 42nd Avenue;
- Expansion of High Street to include dual left-turn lanes in both directions at the intersections of the freeway frontage roadways of Oakport Street and Coliseum Way; and
- Realignment and termination of East 8th Street between 37th Avenue and Alameda Avenue.

Attachment A presents the layout of the proposed improvements. Environmental clearance for the project was completed in November 5, 2004.

On October 2, 2001, the City Council approved a Resolution No. 76735 C.M.S. authorizing application, acceptance and appropriation of a Grant from the 2002 Regional Transportation Improvement Program (RTIP) for 42nd Avenue and High Street Access Improvements to I-880. Although funding for right-of-way acquisition was addressed in the 2001 report, and has always been a part of the project, the resolution did not authorize acquisition of real properties.

KEY ISSUES AND IMPACTS

Although Resolution No. 76735 C.M.S. authorized application, acceptance and appropriation of a Grant from the 2002 RTIP, it did not authorize right of way acquisition. This current proposed resolution will authorize the City Administrator to direct staff to acquire the necessary rights-of-way. The rights-of-way needed for the City's project consists of parcels listed in *Attachment B* and shown on *Attachment C*. Since the City's project ties into the Caltrans project in the area, the City's project will start construction after the Caltrans project is complete.

PROJECT DESCRIPTION

The project is located at 42nd Avenue and High Street, and within City Council District 5. The roadway improvement will facilitate efficient traffic access and circulation within the Central Estuary area. It will also improve bike and pedestrian access. In addition, the project will improve traffic access and relieve traffic congestion between the cities of Oakland and Alameda via 42nd Avenue/Alameda Avenue and High Street, as well as improve circulation along local roadways.

The project was initiated in coordination with the seismic retrofit of the High Street overhead structure on I-880 (the "Caltrans project"), which is scheduled to begin construction in December 2009. The Caltrans project will replace the existing overhead structure and reconfigure the 42nd Avenue interchange with at-grade intersections. The City project will build off the Caltrans project and is scheduled to be completed four years from the Caltrans project completion. Specifically, the City's project will extend and align 42nd Avenue with Alameda Avenue to provide a road parallel to High Street; widen High Street to provide additional capacity at the intersections of the freeway frontage roadways of Oakport Street and Coliseum Way; close East 8th Street near Alameda Avenue; and extend and realign Jensen and Howard Streets to connect High Street and 42nd Avenue.

The project requires acquisition of property rights from parcels listed in *Attachment B*, which includes developed properties (with existing businesses) as well as vacant land. The property owners were contacted about the impacts of the project to their businesses and the potential mitigation measures. An appraiser is under contract to assist with the right-of-way process.

SUSTAINABLE OPPORTUNITIES

Economic: Oakland residents rely on the efficient operation of City streets to access freeways as a means to travel to and from work, school and daily tasks. The roadway improvement will facilitate efficient access to I-880 as well as improve circulation within the Central Estuary area.

Environmental: The combination of the City and Caltrans projects will improve traffic circulation and thus relieve congestion along both 42nd Avenue and High Street. Less vehicular congestion will improve air quality and reduce noise.

Social Equity: The project will improve the efficiency of traffic circulation within the City and access to the freeway. These improvements will facilitate mobility for both area residents and non-residents who work and recreate in Oakland and Alameda.

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DISABILITY AND SENIOR CITIZEN ACCESS

There are no significant disability or senior citizen access issues identified as the result of the proposed action.

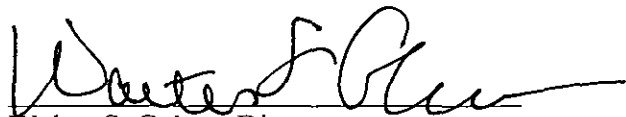
RECOMMENDATION AND RATIONALE

Staff recommends that the Council authorize the City Administrator to direct staff to proceed with right-of-way acquisition for the 42nd/High Street Access Improvement Project.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the resolution.

Respectfully submitted,



Walter S. Cohen, Director
Community and Economic Development Agency

Reviewed by:
Michael J. Neary, P.E.
Deputy Director
Community & Economic Development Agency

Wladimir Wlassowsky, P.E.
Transportation Services Manager

Prepared by:
Ade Oluwasogo, P.E.
Supervising Transportation Engineer
Transportation Services Division

APPROVED AND FORWARDED TO THE
PUBLIC WORKS COMMITTEE:



Office of the City Administrator

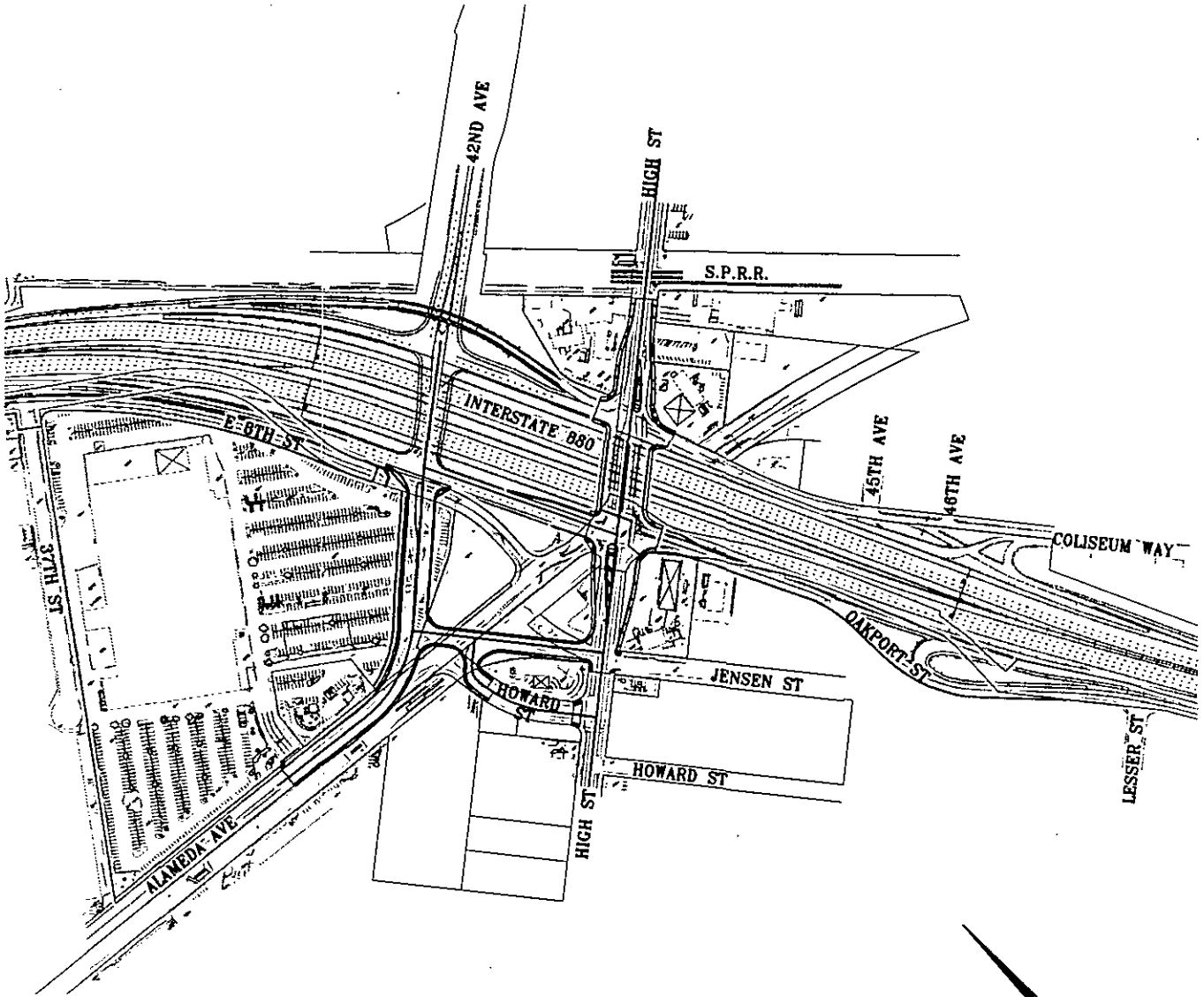
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ATTACHMENT A

42nd AVENUE AND HIGH STREET ACCESS IMPROVEMENTS

CITY OF OAKLAND

JANUARY, 2009



SCALE: N.T.S.



CITY OF OAKLAND

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TRANSPORTATION SERVICES DIVISION**

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

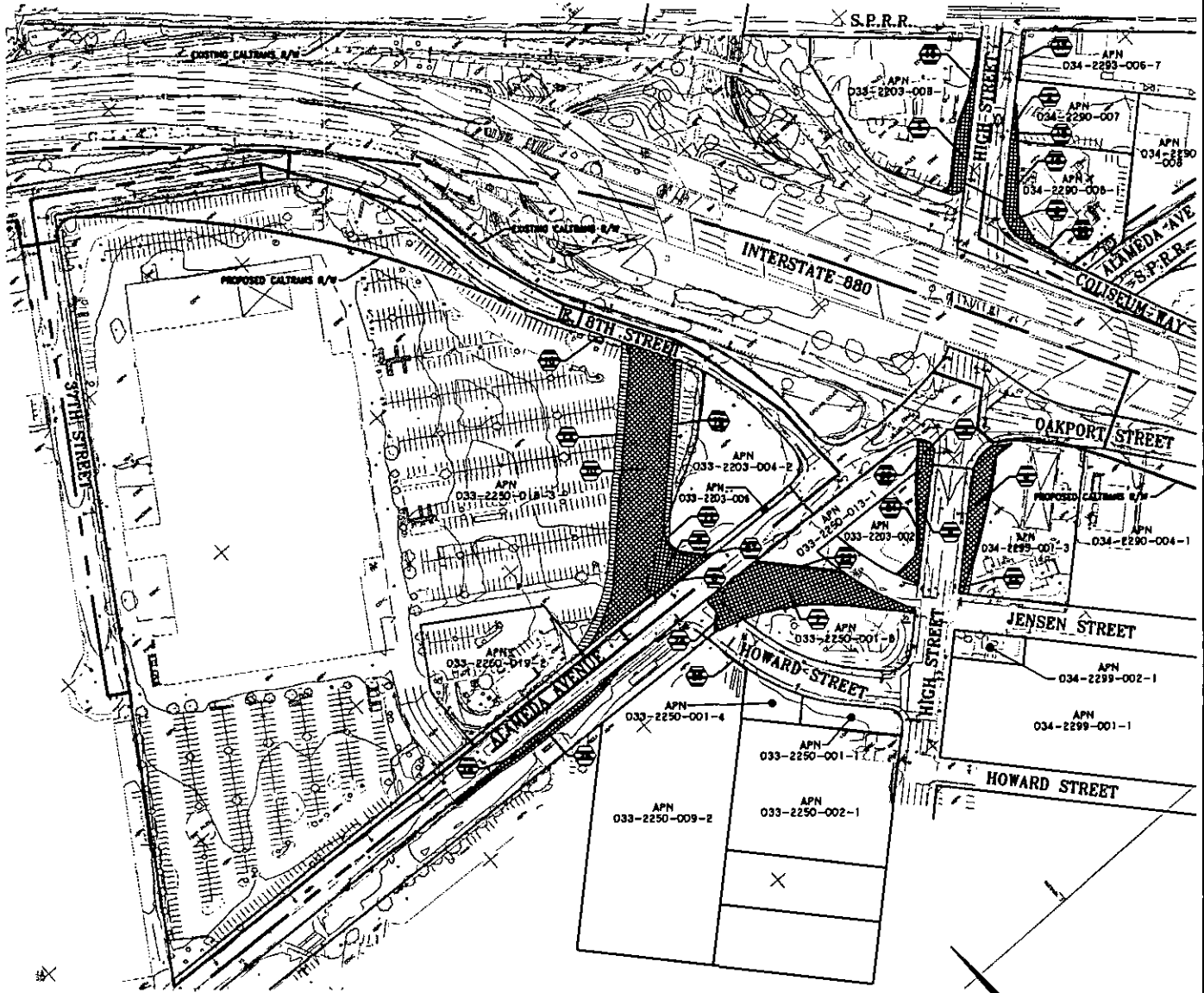
PARCEL #	TYPE	ASSESSOR'S PARCEL NUMBER	TOTAL PARCEL AREA (SF±)	FEE TAKE OR TCE REQUIRED AREA (SF±)	OWNER
	FEE	033-2203-008-1	49,114	3,335	LARM'S BUILDING SUPPLY
	FEE	034-2290-007	19,995	315	BACON, MCCOMBS
	FEE	034-2290-006-1	33,495	3,458	VICTOR & LYE KYIN CHU
	FEE	034-2295-001-3	44,295	5,512	EQUILON 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	18,923	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	3,802	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	104,098	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



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ATTACHMENT C
 FEE TAKE AND TEMPORARY CONSTRUCTION EASEMENT MAP
42nd AVENUE - HIGH STREET
 CITY OF OAKLAND
 JANUARY, 2009



LEGEND

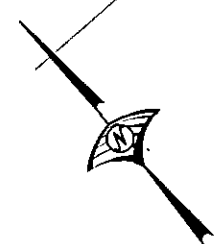


FEE TAKE



TEMPORARY CONSTRUCTION EASEMENT

NOTE:
 THIS APPRAISAL MAP IS INTENDED TO BE USED
 FOR ILLUSTRATIVE PURPOSES ONLY; PROPERTY
 ACQUISITIONS SHALL BE BASED ON THE
 INDIVIDUAL PLAT AND LEGAL DESCRIPTIONS.



SCALE: N.T.S.

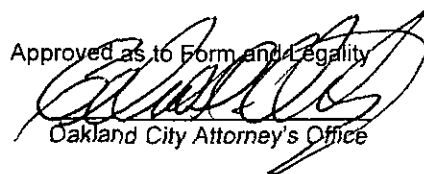


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2009 SEP -3 PM 5:06



Oakland City Attorney's Office

OAKLAND CITY COUNCIL

Resolution No. _____ 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.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

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

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	TCE	033-2203-002	14,571	483	CLIFFORD J. & FREDENA J. ASBILL
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