


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

INTRODUCED BY COUNCILMEMBER [IF APPLICABLE]

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE THE MAINTENANCE AGREEMENT BETWEEN THE CITY AND CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) FOR THE FRUITVALE ALIVE! GAP CLOSURE PROJECT AS PART OF THE TERMS OF A FUTURE CALTRANS ENCROACHMENT PERMIT APPLIED FOR BY THE CITY

WHEREAS, the Fruitvale Alive! Gap Closure Project (Project) is part of the Fruitvale Alive! Community Transportation Plan (2005) in which bicycle and pedestrian improvements were first proposed, and reflects the priorities of the Oakland Bicycle Master Plans 2007 & 2012 which identified Fruitvale Avenue as a major regional connector; and

WHEREAS, the Project is funded by a \$5,850,000 Active Transportation Program (ATP) grant, a \$1,634,000 Alameda County Transportation Commission (ACTC) Grant, and a \$1,500,000 Affordable Housing & Sustainable Communities (AHSC) Grant; and

WHEREAS, the Project is currently in the bidding process with bid opening on September 30, 2021; and

WHEREAS, the City is required to apply for an encroachment permit from Caltrans to perform capital improvements in Caltrans Right-of-Way and the permit requirements include a fully executed maintenance agreement between the City and Caltrans; and

WHEREAS, the proposed maintenance agreement, attached as Exhibit A in the Maintenance Agreement, describes the responsible parties for maintenance of improvements and existing conditions for the Fruitvale Avenue undercrossing at Interstate 880; and

WHEREAS, the proposed maintenance agreement is an amendment to the Freeway Maintenance Agreement dated October 4, 1949 and amended dated December 22, 1958; and

WHEREAS, a fully executed agreement will be required as part of the future Caltrans Encroachment Permit to be applied for by the City; now therefore be it

RESOLVED: that the City Administrator is hereby authorized to finalize and execute the proposed maintenance agreement between the City and Caltrans for the Fruitvale Alive! Gap Closure Project; and be it

FURTHER RESOLVED: that the City Administrator is hereby authorized to approve any subsequent amendments of the maintenance agreement for the Fruitvale Alive! Gap Closure Project provided that such amendments shall be approved by the City Attorney's Office and shall be filed with the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____
ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California