

CITY OF OAKLAND

AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND

TO: 2010 SEP 30 PM 6:12
Office of the City Administrator

ATTN: Dan Lindheim

FROM: Community and Economic Development Agency

DATE: October 12, 2010

RE: Ordinance Authorizing The City Administrator Or His Designee To Acquire Property Rights, Including Fee Interests, Permanent Easements, And Temporary Construction Easements, For Ten Parcels For The 42nd Avenue And High Street Access Improvement Project Without Returning To Council

SUMMARY

On November 6, 2007, the City of Oakland ("City") Council ("Council") approved the funding of the 42nd Avenue and High Street Access Improvement Project ("Project") (*Attachment A*) through Resolution No. 81038 C.M.S. On September 3, 2009, after environmental clearance was completed and the design phase was completed, Council approved Resolution No. 82282 C.M.S and directed staff to proceed with the right of way phase of the Project. The resolution, a requirement of the California Transportation Commission, authorized the Real Estate Division to proceed with right of way acquisition for the Project; however, The City of Oakland Charter, Article II Section 219(6) "...requires an ordinance to convey...any real property of the City, the purchase price of which is more than Five Thousand Dollars..." The cost of acquiring the property rights will be funded by the State of California Department of Transportation (Caltrans).

The Project was initiated in coordination with the Caltrans' seismic retrofit of the High Street overhead structure on I-880 which began construction in December 2009. The Caltrans project will replace the existing overhead structure and reconfigure the 42nd Avenue interchange with at-grade intersections.

The proposed ordinance will authorize the City Administrator or his designee to approve and execute all real estate documents required to obtain property rights including fee, easements, and temporary construction easements for ten parcels (*Attachment B*) for the construction of the Project.

FISCAL IMPACT

Funds are available for the acquisition of the property rights in the Grant Fund State of California-Department of Transportation (2140), 42nd Avenue High Street Right of Way Project (C98530), Acquisition of Right of Way Account (57111), Capital Improvement Project Transportation Services Organization (92246).

Item: _____
Public Works Committee
October 12, 2010

BACKGROUND

Caltrans has initiated statewide seismic retrofit upgrade projects. In Oakland, a portion of I-880 that crosses over High Street was included as one of the retrofit projects. The Caltrans retrofit project will also realign the access of 42nd Avenue to High Street.

The City's Transportation Services Division coordinated the Access Improvement Project to begin immediately after Caltrans' completion of the retrofit project.

The City's Real Estate Division is certified as a Level 3 Qualified Local Agency. The certification allows the City's Real Estate Division to acquire the required Project property rights with funds provided by the Federal Highway Administration and/or Caltrans.

The City project addresses the traffic flow deficiencies of 42nd Avenue near the I-880 on and off ramps. The Project will concentrate on access issues relating to the City of Alameda, the Coliseum area and businesses located along the I-880 frontage roads near High Street.

The Project goals include:

- Extend 42nd Avenue to the south from I-880 to Alameda Avenue
- Extend Jensen Street to the west connecting High Street to the newly created 42nd Avenue
- Expand High Street to include dual left-turn lanes in both directions at the frontage road intersections of Oakport Street and Coliseum Way
- Vacate East 8th Street between 37th Avenue and Alameda Avenue

KEY ISSUES AND IMPACTS

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 November 6, 2007. This resolution endorsed the top funding priorities for the 2008 countywide transportation plan for the next 25 years.

On May 29, 2008, the City Council approved Resolution No. 81376 C.M.S. authorizing the execution of a Cooperative Agreement (Coop Agreement) between the City and Caltrans. The Coop Agreement issued on June 30, 2008, authorized Caltrans to acquire a portion of property owned by Home Depot Inc. required for the Project.

The current proposed ordinance authorizes acquiring the necessary property rights for the remaining ten parcels shown on (*Attachment B*).

The property rights requirements identified for the project include fee acquisitions, permanent road easements and temporary construction easements.

PROJECT DESCRIPTION

The Project is scheduled to commence on July 1, 2015 and end on June 30, 2018. The Project is located at 42nd Avenue and High Street in the Central Estuary area. Expanding the scope of the Caltrans project, the City project will extend 42nd Avenue to Alameda Avenue; widen High Street to provide additional capacity at the intersections of Oakport Street and Coliseum Way; close East 8th Street near Alameda Avenue; extend and realign Jensen and Howard Streets to connect High Street to the newly created portion of 42nd Avenue.

The Project will improve access and relieve traffic congestion between the cities of Oakland and Alameda as well as improve circulation along local roadways. The Project will also improve bike and pedestrian access.

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.

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 or His Designee to negotiate, approve and execute all real estate documents required to acquire property rights for ten parcels including fee, easements, and temporary construction easements for the 42nd Avenue and High Street Access Improvement Project.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council approve the ordinance.

Respectfully submitted,




Walter S. Cohen, Director
Community and Economic Development Agency

Reviewed by: Gregory Hunter, Deputy Director
Community and Economic Development Agency

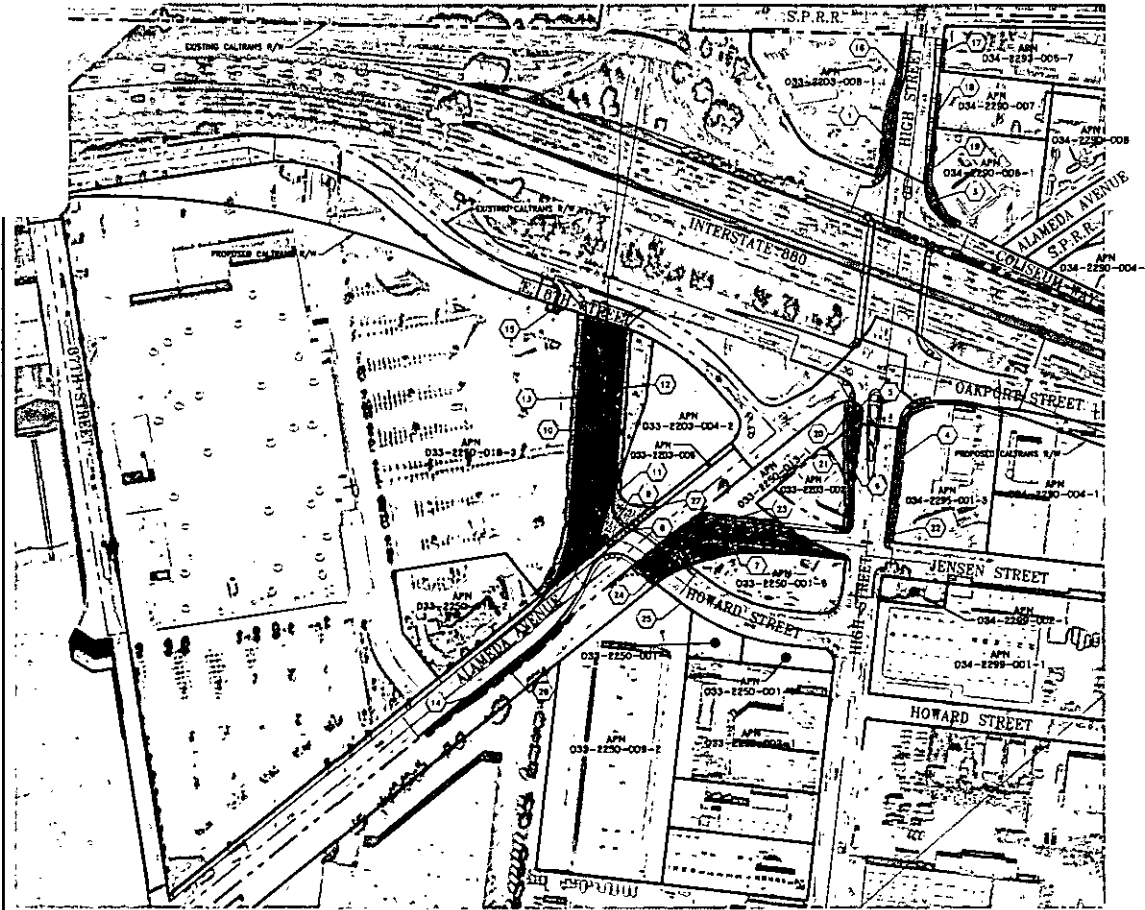
Reviewed by: Frank Fanelli, Manager
Real Estate Division

Prepared by:
Ava M. Jourdain, SR/WA
Real Estate Agent
Real Estate Division

APPROVED AND FORWARDED TO THE
PUBLIC WORKS COMMITTEE:


Office of the City Administrator

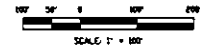
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PARCEL #	TYPE	ASSESSOR'S PARCEL NUMBER	TOTAL PARCEL AREA (SFs)	FEE TAKE, EMT, TCE REQUIRED AREA (SFs)	OWNER
(1) *	FEE	033-2203-008-1	48,114	2,539	LAINI'S BUILDING SUPPLY
(2)	NOT USED			
(3) *	FEE	034-2290-006-1	33,485	892	VICTOR & LYE KYM CHU
(4) *	FEE	034-2295-001-3	44,295	2,815	EDLSON ENTERPRISES
(5) *	FEE	033-2250-015-1	113,387	952	FREDHLY TRANSPORTATION
(6) *	FEE	033-2203-002	14,571	2,483	CLIFFORD J. & FREDONA J. ASBELL
(7) *	FEE	033-2250-013-1	115,587	16,798	FREDHLY TRANSPORTATION
(8) *	EMT	033-2203-008	2,824	1,063	LAURENCE C. & DORIS M. WEBSTER
(9) *	EMT	033-2203-004-2	37,878	3,489	LAURENCE C. & DORIS M. WEBSTER
(10) *	FEE	033-2250-018-3	772,446	36,557	HOME DEPOT
(11) *	TCE	033-2203-004-2	37,878	418	LAURENCE C. & DORIS M. WEBSTER
(12) *	FEE	033-2250-018-3	772,446	2,570	HOME DEPOT
(13) *	TCE	033-2250-018-3	772,446	6,586	HOME DEPOT
(14) *	FEE	033-2250-015-1	113,387	2,115	FREDHLY TRANSPORTATION
(15) *	FEE	033-2250-018-3	772,446	325	HOME DEPOT
(16) *	TCE	033-2203-008-1	48,114	1,783	LAINI'S BUILDING SUPPLY
(17) *	TCE	034-2283-008-7	80,988	378	BACON, MCCOWEN
(18) *	TCE	034-2280-007	18,995	428	BACON, MCCOWEN
(19) *	TCE	034-2280-008-1	33,485	1,317	VICTOR & LYE KYM CHU
(20) *	TCE	033-2250-013-1	113,387	380	FREDHLY TRANSPORTATION
(21) *	TCE	033-2203-002	14,571	1,398	CLIFFORD J. & FREDONA J. ASBELL
(22) *	FEE	034-2295-001-3	44,295	1,829	EDLSON ENTERPRISES
(23) *	TCE	033-2250-013-1	113,387	413	FREDHLY TRANSPORTATION
(24) *	TCE	033-2250-013-1	113,387	356	FREDHLY TRANSPORTATION
(25) *	TCE	033-2250-008-2	104,098	135	SABOCCO SOUS INVESTMENT
(26) *	TCE	033-2250-013-1	113,387	1,251	FREDHLY TRANSPORTATION
(27) *	TCE	033-2203-008	2,824	42	LAURENCE C. & DORIS M. WEBSTER

LEGEND

- FEE TAKE
- RIGHT-OF-WAY EASEMENT
- TEMPORARY CONSTRUCTION EASEMENT



* SEE WRITING INSTRUMENTS/DEEDS DESCRIPTION AND PLAT TO ACCOMPANY DATED DECEMBER 22, 2004 AT THE REQUEST OF THE CITY OF OAKLAND.

SURVEYOR'S NOTES

1. COORDINATES, BEARINGS AND DISTANCES ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE 3, EPOCH 1997.33.
2. THIS APPRAISAL MAP IS INTENDED TO BE USED FOR ILLUSTRATIVE PURPOSES ONLY; PROPERTY ACQUISITIONS SHALL BE BASED ON THE INDIVIDUAL PLAT AND LEGAL DESCRIPTION.



WOOD RODGERS

DATE: _____

REVISIONS			
NO.	DESCRIPTION	DATE	BY

WOOD RODGERS
 DEVELOPER INNOVATIVE DESIGN SOLUTIONS
 2501 O St., Suite 400-B, Fremont, CA 94539
 Tel: 510.841.7790 Fax: 510.841.7797

DRAWN BY: P. TABOR	DESIGNED BY: P. TABOR	HORIZONTAL SCALE: 1"=100'
CHECKED BY: C. SPESS	DATE: MAY 15, 2009	VERTICAL SCALE: N/A
APPROVED BY:	ENGINEER:	CONTRACT NO.:



CITY OF OAKLAND
 DESIGN AND CONSTRUCTION
 TRANSPORTATION SERVICES DIVISION
 250 FRANK OGDEN PLAZA, SUITE 4047 OAKLAND, CALIFORNIA
 94612-3008 TEL: 510.228.1111

APPRAISAL MAP
42ND AVENUE - HIGH STREET
OAKLAND ALAMEDA COUNTY CALIFORNIA

SHEET
1
OF
2

ATTACHMENT B

	Owner	Assessor's Parcel Number	Site Address	Property Right Requirement
1	Larm's Building Supply	033-2203-008-01	751 High Street	Fee, Temporary Construction Easement
2	Mash Petroleum Inc	034-2290-006-01	720 High Street	Fee, Temporary Construction Easement
3	Equilon Enterprises	034-2295-001-03	600 High Street	Fee, Temporary Construction Easement
4	SBMann5LLC	033-2250-013-01	0 Alameda Ave	Fee, Temporary Construction Easement
5	Clifford & Fredena Asbill	033-2203-002-00	615 High Street	Fee, Temporary Construction Easement
6	Lawrence & Diane Webster	033-2203-006-00	4200 Alameda Ave	Permanent Easement
7	Lawrence & Diane Webster	033-2203-004-02	4200 Alameda Ave	Permanent Easement
8	Bacon, McCombs	034-2293-006-07	750 High Street	Temporary Construction Easement
9	Bacon, McCombs	034-2290-007-00	752 High Street	Temporary Construction Easement
10	3925 Alameda LLC	033-2250-009-02	3925 Alameda Ave	Temporary Construction Easement

FILED
OFFICE OF THE CITY CLERK
OAKLAND
2010 SEP 30 PM 6:12

APPROVED AS TO FORM AND LEGALITY:



Deputy City Attorney

OAKLAND CITY COUNCIL

ORDINANCE NO. _____ C.M.S.

**ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR OR HIS
DESIGNEE TO ACQUIRE PROPERTY RIGHTS, INCLUDING FEE
INTERESTS, PERMANENT EASEMENTS, AND TEMPORARY
CONSTRUCTION EASEMENTS, FOR TEN PARCELS FOR THE 42ND
AVENUE AND HIGH STREET ACCESS IMPROVEMENT PROJECT
WITHOUT RETURNING TO COUNCIL**

WHEREAS, the Council approved Resolution 82282 C.M.S. on September 3, 2009, authorizing the right of way acquisition for the 42nd Avenue and High Street Access Improvements Project (the "Project"); and

WHEREAS, the right of way required to complete the Project involves acquiring property rights for 10 parcels identified in Attachment A to this Ordinance (the "Properties"), including fee interests, permanent easements and temporary construction easements; and

WHEREAS, the requirements of the California Environmental Quality Act ("CEQA"), the CEQA Guidelines as prescribed by the Secretary for Resources, and the provisions of the Environmental Review Regulations of the City of Oakland have been met because this transaction is exempt from CEQA under section 15276 of the CEQA Guidelines (Transportation Improvement and Congestion Management Programs); and

WHEREAS, funds are available for right of way acquisition in the Grant Fund State of California Department of Transportation (2140), 42nd Avenue High Street Right of Way Project (C98530), Acquisition of Right of Way Account (57111), Capital Improvement Project Transportation Services Organization (92246); and

WHEREAS, the California Transportation Commission right of way funding terminates on February 29, 2012; and

WHEREAS, the property rights for the Project must be secured by February 29, 2012; now, therefore

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

Section 1. The City Administrator or his designee is hereby authorized to acquire property interests, including fee interests, permanent easements and temporary construction easements, in the Properties for the Project, at no more than appraised fair market value and within the budget authorized for this purpose, without returning to Council for further authorization.

Section 2. The City Administrator, or his designee, is authorized to negotiate and execute all real estate documents required to acquire the property rights for the Properties.

Section 3. The City Council has independently reviewed and considered this environmental determination, and the City Council finds and determines, based on the information in the staff report accompanying this Ordinance, that this action complies with CEQA because this action on the part of the City is exempt from CEQA pursuant to Section 15276 (Transportation Improvement and Congestion Management Programs) of the CEQA guidelines.

Section 4. The City Administrator, or his designee, is hereby authorized to take any and all actions necessary and consistent with this Ordinance, to acquire the property rights to the Properties for the Project consistent with this Ordinance and its basic purposes.

Section 5. This Ordinance shall become effective immediately upon 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, _____

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

ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR OR HIS DESIGNEE TO ACQUIRE PROPERTY RIGHTS, INCLUDING FEE, PERMANENT EASEMENTS, AND TEMPORARY CONSTRUCTION EASEMENTS, FOR TEN PARCELS FOR THE 42ND AVENUE AND HIGH STREET ACCESS IMPROVEMENT PROJECT WITHOUT RETURNING TO COUNCIL

ATTACHMENT A
PROPERTIES

	Owner	Assessor's Parcel Number	Site Address	Property Right Requirement
1	Larm's Building Supply	033-2203-008-01	751 High Street	Fee, Temporary Construction Easement
2	Mash Petroleum Inc	034-2290-006-01	720 High Street	Fee, Temporary Construction Easement
3	Equilon Enterprises	034-2295-001-03	600 High Street	Fee, Temporary Construction Easement
4	SBMann5LLC	033-2250-013-01	0 Alameda Ave	Fee, Temporary Construction Easement
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8	Bacon, McCombs	034-2293-006-07	750 High Street	Temporary Construction Easement
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10	3925 Alameda LLC	033-2250-009-02	3925 Alameda Ave	Temporary Construction Easement

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NOTICE AND DIGEST:

**ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR
OR HIS DESIGNEE TO ACQUIRE PROPERTY RIGHTS,
INCLUDING FEE INTERESTS, PERMANENT EASEMENTS,
AND TEMPORARY CONSTRUCTION EASEMENTS, FOR
TEN PARCELS FOR THE 42ND AVENUE AND HIGH STREET
ACCESS IMPROVEMENT PROJECT WITHOUT
RETURNING TO COUNCIL**

An Ordinance has been prepared authorizing the City Administrator and his designee to acquire property rights for 10 parcels for the 42nd Avenue and High Street Access Improvement Project.

The right of way acquisition funds have been allocated through the Grant Fund State of California Department of Transportation