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OAKLAND

APPROVED AS TO FORM AND LEGALITY

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CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. 89080 C.M.S.

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**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO ENTER INTO AN ACCESS AGREEMENT BETWEEN THE CITY OF OAKLAND AND THE PORT OF OAKLAND FOR POWER LINE MAINTENANCE ON CITY-OWNED PROPERTY ADJACENT TO BERTH 9 AT NO COST TO THE CITY OR THE PORT FOR SO LONG AS THE PORT'S ELECTRICAL LINES EXIST AND ARE OPERATED BY THE PORT; AND ADOPT CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS**

**WHEREAS**, the City of Oakland ("City") owns certain real property commonly known as the former Oakland Army Base, located in the City of Oakland, County of Alameda, State of California (the "Property"); and

**WHEREAS**, the Property is subject to that certain Army Base Gateway Redevelopment Project Ground Lease for MH-1 Lease Area, dated as of December 6, 2016, by and between the City and Prologis, L.P., a Delaware limited partnership ("Tenant") (as amended and assigned, the "Lease"); and

**WHEREAS**, a portion of the Property is adjacent to a wharf, commonly known as "Berth 9," which is within the Port Area and is subject to jurisdiction of the Port of Oakland ("Port"); and

**WHEREAS**, the Port is an electrical utility provider and owns/maintains electrical distribution lines and related infrastructure (collectively, "Electrical Lines") to serve its tenants and a segment of the Electrical Lines near Berth 9 was historically located on the Property; and

**WHEREAS**, in 2020, the City requested the Port relocate a segment of the Electrical Lines located on Property to allow Tenant to develop an approximately 13-acre parcel pursuant to its Lease; and

**WHEREAS**, the Port has relocated and installed Electrical Lines over a portion of the Property adjacent to Berth 9 pursuant to that certain Temporary License for Electrical Pole and Line Installation (Former Oakland Army Base – Berth 9) dated August 26, 2020, by and between the City, as licensor, and the Port, as Licensee ("License"); and

**WHEREAS,** the City and the Port desire to enter into an access agreement to replace the License which would allow the Port access to maintain the relocated Electrical Lines so long as they exist and are operated by the Port; now, therefore, be it

**RESOLVED:** That the City Council hereby authorizes the City Administrator to negotiate and execute an access agreement ("Power Line Access Agreement") with the Port to allow the Port access to maintain the Electrical Lines it installed pursuant to the License at no cost to the City or the Port for so long as the Port's Electrical Lines exist and are operated by the Port; and be it

**FURTHER RESOLVED:** That the City Council, after independent review and consideration, finds and determines that this action complies with the California Environmental Quality Act ("CEQA") because this action is exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines, which exempts operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing use; and be it

**FURTHER RESOLVED:** That the City Administrator is further authorized to negotiate and execute documents and take all other action necessary with respect to the Power Line Access Agreement and the Property consistent with this Resolution and its basic purposes

IN COUNCIL, OAKLAND, CALIFORNIA,

MAR 15 2022

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, ~~WALLEN~~ KALB, KAPLAN, REID, TAYLOR, ~~THOMAS~~ AND  
PRESIDENT FORTUNATO BAS - 6

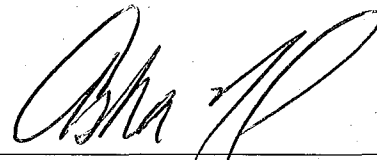
NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - 2 Gallo & Shaw

ATTEST:



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