



OFFICE OF THE CITY CLERK
06 SEP 14 PM 4:02

CITY OF OAKLAND
Community and Economic Development Agency

Inter-Office Memorandum

TO: City Administrator
ATTN: William Uber
FROM: William W. Wilkins
DATE: September 14, 2006
RE: **RESOLUTION AUTHORIZING THE GRANTING OF A NON-EXCLUSIVE PERMANENT UNDERGROUND UTILITY EASEMENT TO PACIFIC GAS AND ELECTRIC COMPANY FOR TRANSMISSION OF ELECTRIC ENERGY WITHIN AND ADJACENT TO PARCELS IN THE UPTOWN PROJECT AREA (APN 008-0644-023; 024; 031; 032; 033 AND 045-1)**

Attached is the Revised Resolution Title per the request of the City Attorney's office. Please note that the title has been revised to delete any reference to Communication purposes. After the fact, it was determined that PG &E has no existing communication rights within the proposed easement area, and it is the intent of the proposed Resolution to maintain only the rights of the existing infrastructure.

OFFICE OF THE CITY CLERK
REVISED
2006
APPROVED AS TO FORM AND LEGALITY:
D. Lewis
2006
14
PM 4:03
Agency Counsel

REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND

RESOLUTION No. _____ C.M.S.

RESOLUTION AUTHORIZING THE GRANTING OF A NON-EXCLUSIVE PERMANENT UNDERGROUND UTILITY EASEMENT TO PACIFIC GAS AND ELECTRIC COMPANY FOR TRANSMISSION OF ELECTRIC ENERGY WITHIN AND ADJACENT TO PARCELS IN THE UPTOWN PROJECT AREA (APN 008-0644-023,024,031,032,033 AND 045-1)

WHEREAS, the Community and Economic Development Agency (“CEDA”) of the City of Oakland (“City”) has determined that the City owns the public rights-of-way of Thomas L. Berkeley Way (formerly 20th Street and Degler Street), between San Pablo Avenue and Telegraph Avenue; and

WHEREAS, the Oakland Redevelopment Agency (“ORA”) has acquired the abutting real parcels in the Uptown Project Area (APN 008-0644-023,024,031,032,033 AND 045-1) bounded by 19th Street, San Pablo Avenue, Thomas L. Berkeley Way, and Telegraph Avenue for construction of the Uptown Oakland Mixed-Use redevelopment project (“Uptown Project”); and

WHEREAS, the City has vacated and granted ownership of portions of Thomas L. Berkeley Way to the ORA in exchange for other interests; and

WHEREAS, the ORA, has entered into a redevelopment agreement with the private developer of the Uptown Project, Forest City, to construct privately owned buildings and appurtenant privately owned infrastructure on the vacated right-of-way; and

WHEREAS, Pacific Gas and Electric Company (“PG&E”) has underground utilities located in the vacated area of Thomas L. Berkeley Way adjacent to parcels APN 008-0644-023,024,031,032,033 and 045-1; and

WHEREAS, the proposed Uptown Project will utilize Thomas L. Berkeley Way as part of its realignment of the Redevelopment Project Area, and its development will contribute to the Agency’s goals and objectives for the Project Area; and

WHEREAS, it is in the ORA's best interests to grant a non-exclusive permanent underground utility easement to PG&E for continued transmission of electric energy within and adjacent to parcels in the uptown project area (APN 008-0644-023,024,031,032,033 AND 045) in order to facilitate the Project; and

WHEREAS, the requirements of the California Environmental Quality Act of 1970 ("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 satisfied; now, therefore, be it

RESOLVED: That the ORA hereby grants a non-exclusive permanent underground utility easement to PG&E for the transmission of electric energy within the adjacent parcels in the Uptown Project Area (APN 008-0644-023,024,031,032,033 AND 045); and be it further

RESOLVED: That this conveyance shall be for such consideration as the Agency Administrator or her designee determines is in the best interests of the Agency; and be it further

RESOLVED: That the ORA independently finds and determines that the Project complies with CEQA, as the Project is categorically exempt from CEQA pursuant to Section 15305 (minor alterations in land use limitations) of the CEQA Guidelines, and the City Administrator is hereby directed to cause to be filed with the appropriate County of Alameda agencies, a Notice of Exemption.

RESOLVED: That the Agency Administrator or her designee is hereby authorized to take whatever other action is necessary with respect to the utility easement in the Uptown Redevelopment Project area consistent with this Resolution and its basic purposes.

IN AGENCY, OAKLAND, CALIFORNIA, _____, 2006

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND
CHAIRPERSON DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

LATONDA SIMMONS
Secretary of the Redevelopment Agency
of the City of Oakland, California

APPROVED AS TO FORM AND LEGALITY:

Agency Counsel

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WHEREAS, it is in the ORA's best interests to grant a non-exclusive permanent underground utility easement to PG&E for continues transmission of electric energy, within and

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Agency Counsel

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REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND

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