

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH UNION PACIFIC RAILROAD COMPANY (UPRR), IN ACCORDANCE WITH CALIFORNIA PUBLIC UTILITY COMMISSION (CPUC) REGULATIONS, FOR THE REVIEW OF THE 29TH AVENUE MEDIAN SAFETY IMPROVEMENTS

WHEREAS, the City of Oakland (City) requires Education for Change, a private developer, to provide mitigation measures, including the installation of posts along the 29th Avenue median to prohibit left-turns at the Pacific Charter driveway (29th Avenue Median Safety Improvements); and

WHEREAS, the installation of the 29th Avenue Median Safety Improvements requires UPRR approval in accordance with CPUC regulations and execution of an agreement with UPRR (Agreement); and

WHEREAS, no City or railroad agreements for review of any improvements is currently in place at this location; and

WHEREAS, the installation of the 29th Avenue Median Safety Improvements requires UPRR approval in accordance with CPUC regulations and execution of an Agreement with UPRR; and

WHEREAS, under section 504 (l) of the Oakland City Charter, the City Administrator may negotiate contracts for joint governmental actions, subject to Council approval; and

WHEREAS, Education for Change, as permittee to the City, shall pay to UPRR all said charges by UPRR under the Agreement, as a project requirement; and

WHEREAS, Pacific Charter, as permittee to the City, shall construct all right-of-way improvements approved by UPRR, pursuant to the Agreement; now, therefore, be it

RESOLVED: That the City Administrator be authorized and directed to negotiate and enter into an Agreement with UPRR, subject to review and approval by the Office of the City Attorney; and be it

FURTHER RESOLVED: That the City Administrator be authorized to take any and all actions necessary for the completion of the Project, without further return to the City Council; and be it

FURTHER RESOLVED: That an original copy of agreements be kept on file with the City Clerk, once executed.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, JENKINS, RAMACHANDRAN AND
PRESIDENT FORTUNATO BAS

NOES –
ABSENT –
ABSTENTION –

ATTEST: _____

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