

2023 APR 27 PM 6: 52

APPROVED AS TO FORM AND LEGALITY

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

  
CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. 89703 C.M.S.

**RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO: (1) ENTER INTO AN AGREEMENT WITH THE STATE OF CALIFORNIA TO ACCEPT A PORTION OF THE STATE HIGHWAY RIGHT OF WAY TO BE RELINQUISHED AT THE INTERSTATE-880 FREEWAY SOUTHBOUND OFFRAMP BETWEEN 42ND AVE AND HIGH STREET AND (2) ACQUIRE A 176 SQUARE FOOT PARCEL WITH AN ADDITIONAL 134.31 LINEAR FEET OF ACCESS CONTROL FROM HOME DEPOT FOR THE CONSTRUCTION OF 42ND AVENUE AND HIGH STREET ACCESS IMPROVEMENT PROJECT (CITY PROJECT NO. 1003983) ); AND ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS**

**WHEREAS**, the 42<sup>nd</sup> Avenue and High Street Access Improvement Project (the Project) is a major roadway construction project that will involve the extension of 42<sup>nd</sup> Avenue from the southbound I-880 off ramp to Alameda Avenue and the extension of Jensen Street from High Street to Alameda Avenue in the city of Oakland (City); and

**WHEREAS**, State of California Department of Transportation (Caltrans) owns the right of way and access control along the southbound I-880, High Street off ramp within a portion of the Project limits; and

**WHEREAS**, the 42<sup>nd</sup> Avenue portion of this Project on the west side of the I-880 freeway will be constructed on an existing portion of the Caltrans right of way and additionally require a 151.56 linear foot opening of a portion of the Caltrans freeway access control; and

**WHEREAS**, the City and Caltrans agree that a relinquishment of a portion of the Caltrans right of way and access control is the beneficial preferred option in lieu of the "new public road connection process"; and

**WHEREAS**, to satisfy Caltrans safety criteria and receive Caltrans approval of the Project, an additional 176 square foot parcel along with 134.31 linear feet of access control for the reconstructed 42<sup>nd</sup> Avenue will need to be acquired from Home Depot; and

**WHEREAS**, Project design criteria and Caltrans permitting process to construct the entire Project requires that the City acquires the 176 square foot sliver of land and the 134.31 linear feet of Access Control from Home Depot; 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); now, therefore, be it

**RESOLVED:** Staff recommends that the City Council adopt a resolution (1) authorizing the City Administrator to enter into an agreement with the State of California to accept a portion of the state highway right of way to be relinquished at the I-880 freeway southbound offramp between 42nd Avenue and High Street and (2) authorizing the City Administrator to acquire a 176 square foot parcel with an additional 134.31 linear feet of access control from Home Depot for the construction of 42nd Avenue and High Street Access Improvement Project (City Project No. 1003983); and be it

**FURTHER RESOLVED:** The Council finds and determines that 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 be it

**FURTHER RESOLVED:** That the City Administrator shall file a Notice of Determination/Notice of Exemption with the clerk of the County of Alameda for this State Land Relinquishment; and be it

**FURTHER RESOLVED:** That the City Administrator is hereby authorized to execute any amendment or modifications to said agreement and acquisitions within the limitations of the project plans and specifications; and be it

**FURTHER RESOLVED:** That the agreement and acquisitions shall be reviewed and approved by the City Attorney for form and legality and placed on the file in the Office of the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA,                      **MAY    2   2023**

PASSED BY THE FOLLOWING VOTE:

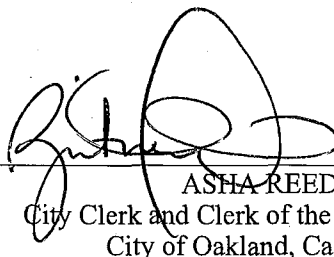
AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, REID, RAMACHANDRAN, AND  
PRESIDENT FORTUNATO BAS — 8

NOES — 0

ABSENT — 0

ABSTENTION — 0

ATTEST:

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