

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2013 OCT 31 PM 3:47

APPROVED AS TO FORM AND LEGALITY

Colina Chen
OFFICE OF THE CITY ATTORNEY

ORDINANCE NO. 13203 C.M.S.

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE TEMPORARY EASEMENTS WITH PACIFIC BELL TELEPHONE COMPANY, A CALIFORNIA CORPORATION, DBA AT&T CALIFORNIA ("AT&T"), FOR TEMPORARY RELOCATION OF TELECOMMUNICATION LINES AND ANY ASSOCIATED OR RELATED EQUIPMENT OR FACILITIES TO FACILITATE THE PUBLIC INFRASTRUCTURE PROJECT ON THE FORMER OAKLAND ARMY BASE

WHEREAS, the City of Oakland ("City") owns certain property located at the Gateway Industrial Park Area (formerly Oakland Army Base) as identified on Parcel Map No. 10095 recorded August 13, 2013 in the official records of the Alameda County Recorder's Office as document 2013-277934; and

WHEREAS, the City, California Capital and Investment Group and Turner Top Grade Flatiron are entering into a \$247 million Public Infrastructure Project to construct new streets, utilities, rail lines and equipment and development ground pads at the Gateway Industrial Park Area; and

WHEREAS, the City desires to execute and issue easements in favor of Pacific Bell Telephone Company, a California corporation, dba AT&T California ("AT&T"), to facilitate the Public Infrastructure Project and construction and operation of utility systems at the Gateway Industrial Park Area; now therefore,

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

Section 1. The City Council finds and determines the foregoing recitals to be true and correct and hereby makes them a part of this Ordinance.

Section 2. The City Council hereby authorizes the City Administrator or her designee, without returning to City Council, to negotiate and execute temporary easements in favor of AT&T during the Public Infrastructure Project construction for temporary relocation of telecommunication lines and any associated or related equipment or facilities to facilitate the Public Infrastructure Project on the former Oakland Army Base.

Section 3. This action (1) implements actions previously approved by the Oakland City Council; (2) is within the scope of the already approved 2012 Army Base Project; (3) the 2012 Army Base project Initial Study/Addendum adequately describes the current action for purposes of CEQA; and (4) no further CEQA review is required pursuant to CEQA Guidelines 15164.

Section 4. The City Administrator or her designee is hereby authorized to negotiate and execute all agreements and to take whatever other action is necessary with respect to the Public Infrastructure Project utility easements in favor of AT&T consistent with this Ordinance and its basic purposes.

Section 5. The City Attorney shall review and approve all documents and agreements related to the easements as to form and legality, and a copy shall be placed on file with the City Clerk.

Section 6. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, clause or phrase thereof irrespective of the fact that one or more other sections, subsections, clauses or phrases may be declared invalid or unconstitutional.

Section 7. This Ordinance shall become effective immediately on 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, DEC 10 2013

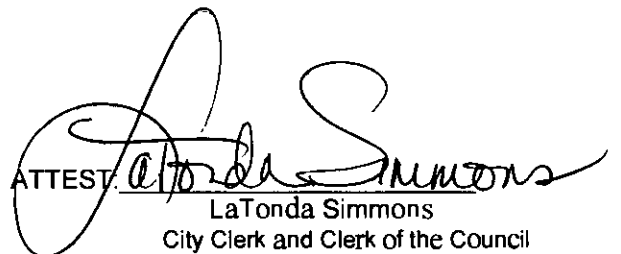
PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, GALLO, GIBSON McELHANEY, KALB, KAPLAN, REID, SCHAAF, AND PRESIDENT KERNIGHAN - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST: 
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

introduction Date

NOV 19 2013

DATE OF ATTESTATION: 12/11/13

NOTICE AND DIGEST

AN ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE TEMPORARY EASEMENTS WITH PACIFIC BELL TELEPHONE COMPANY, A CALIFORNIA CORPORATION, DBA AT&T CALIFORNIA ("AT&T"), FOR TEMPORARY RELOCATION OF TELECOMMUNICATION LINES AND ANY ASSOCIATED OR RELATED EQUIPMENT OR FACILITIES TO FACILITATE THE PUBLIC INFRASTRUCTURE PROJECT ON THE FORMER OAKLAND ARMY BASE

This ordinance authorizes the City Administrator to negotiate and execute temporary easements in favor of:AT&T during the Army Base Public Infrastructure Project construction for temporary relocation of:telecommunication lines and any associated or related equipment or facilities.