

2016 JUN 17 AM 9:29

Approved as to Form and Legality

J. Hillman

Office of the City Attorney

OAKLAND CITY COUNCIL

RESOLUTION NO. 86264 C.M.S.

RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE A SECOND AMENDMENT TO AN UNDER-FREEWAY EASEMENT WITH CALTRANS TO FACILITATE POTENTIAL DEVELOPMENT BY TWO RECYCLERS AT THE FORMER OAKLAND ARMY BASE

WHEREAS, on April 29, 2005, the California Department of Transportation (Caltrans) granted the City a perpetual easement for approximately 8.7-acres of Under-Freeway property on the former Oakland Army Base ("Base") so that the City and its chosen developers for adjacent City-owned land on the Base could use the easement for the purposes of truck parking, utilities, roadway and landscaping (the "Under-Freeway Easement"); and

WHEREAS, to facilitate an arrangement between the City and BNSF Railroad, on May 22, 2015, the City and Caltrans recorded a 1st amendment to the Under-Freeway Easement to expand the uses to allow limited rail uses; and

WHEREAS, the City currently is planning to execute an exclusive negotiating agreement with California Waste Solutions and CASS, Inc. (the "Recyclers"), with the intent to relocate their existing recycling operations out of West Oakland residential neighborhoods to the Base; and

WHEREAS, in anticipation of negotiations with the Recyclers, use of a portion of the Under-Freeway easement area is needed for the purposes of parking personal vehicles and recycling fleet vehicles, which is not currently allowed by the Under-Freeway Easement; and

WHEREAS, the City and Caltrans wish to amend the Under-Freeway Easement to expand the uses to allow the parking of personal vehicles and recycling fleet vehicles; now, therefore be it

RESOLVED, that the City Administrator is authorized to negotiate and execute a second amendment to the Under-Freeway Easement with Caltrans to expand the uses to allow the parking of personal vehicles and recycling fleet vehicles to facilitate potential development by the Recyclers at the former Base; and be it

FURTHER RESOLVED, that the City has independently reviewed and considered the environmental determination, and the City finds and determines that this action complies with CEQA because this action on the part of the City is exempt from CEQA pursuant to Section 15061(b)(3) (general rule) of the CEQA Guidelines; and be it

FURTHER RESOLVED, that the City Administrator or her designee shall cause to be filed with the County of Alameda a Notice of Exemption for this action; and be it

FURTHER RESOLVED, that the second amendment to the Under-Freeway Easement shall be reviewed and approved as to form and legality by the City Attorney prior to execution; and be it

FURTHER RESOLVED, that the City Administrator is further authorized to take whatever action is necessary with respect to the second amendment to the Under-Freeway Easement consistent with this Resolution and its basic purposes.

IN COUNCIL, OAKLAND, CALIFORNIA, July 5, 2016

PASSED BY THE FOLLOWING VOTE:

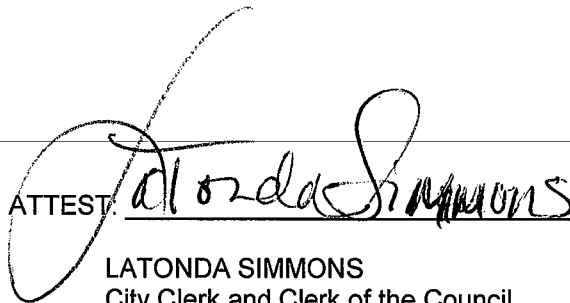
AYES - BROOKS, CAMPBELL-WASHINGTON, GALLO, GUILLEN, KALB, ~~KAPLAN~~, REID,
AND PRESIDENT GIBSON McELHANEY **7**

NOES- **0**

ABSENT- **Kaplan**

ABSTENTION- **0**

ATTEST



LATONDA SIMMONS

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