



CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

ORDINANCE NO. _____ C.M.S.

ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE AN AGREEMENT TO PURCHASE AN EASEMENT FOR PUBLIC RIGHT OF WAY, STREET AND UTILITY PURPOSES OVER A PORTION OF THE REAL PROPERTY LOCATED AT 260 OAK STREET, OAKLAND, CALIFORNIA, FROM THE VUKASIN FAMILY LIMITED PARTNERSHIP IN THE AMOUNT OF \$255,000; AND ADOPTING CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

WHEREAS, the Embarcadero West Rail Safety and Access Improvements (the "Project") will improve multi-modal safety and accessibility along the corridor and to surrounding neighborhoods and businesses, reduce travel times for freight and passenger rail, reconstruct an overweight truck route connection between Adeline/Middle Harbor Road and Embarcadero West and Market Street to divert heavy truck traffic and related emissions away from residential areas, and provide full and equal access to pedestrian facilities, including sidewalks and crosswalks; and

WHEREAS, on December 6, 2022, City Council authorized the City Administrator to accept and appropriate grant funds for the Project through Council Resolution Numbers C.M.S. 89518 and C.M.S. 89519; and

WHEREAS, the Vukasin Family Limited Partnership, a California limited partnership ("Property Owner") owns certain real property located at 260 Oak Street (250 Oak Street and 54 Embarcadero, aka 231-265 Fallon Street) (the "Property"); and

WHEREAS, the City of Oakland ("City") requires the acquisition of a perpetual easement for public right of way, street and utility purposes over a portion of the Property ("Easement") to accommodate the realignment of Fallon Street in compliance with the Americans with Disabilities Act; and

WHEREAS, the City has conducted an appraisal and determined that the amount of Two Hundred Fifty-Five Thousand Dollars (\$255,000) represents the fair market value for the Easement; and

WHEREAS, Two Hundred Fifty-Five Thousand Dollars (\$255,000) is available to support the Easement in Project 1007091, Fund 2159; and

WHEREAS, the Property Owner has agreed to sell the Easement to the City for the Purchase Price; and

WHEREAS, Oakland Municipal Code Section 2.41.060 and City Charter Section 219(6) authorizes the City to purchase an easement by ordinance enacted by the City Council if the purchase price exceeds One Hundred Thousand Dollars (\$100,000); and

WHEREAS, the Environmental Review Officer determined that the Project is exempt from the California Environmental Quality Act (“CEQA”) based on several exemptions, which are all listed below in Section 2 of this Ordinance; and.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council hereby authorizes the City Administrator to (a) negotiate and execute a purchase agreement with the Property Owner to acquire the Easement for a purchase price of Two Hundred Fifty-Five Thousand Dollars (\$255,000), (b) negotiate and execute such other additions, amendments or other modifications to the foregoing document that the City Administrator, in consultation with the City Attorney’s Office, determines are in the best interests of the City, do not materially increase the obligations or liabilities of the City, and are necessary or advisable to complete the transaction contemplated by this Ordinance; and (c) to negotiate and execute such other documents as necessary or appropriate, in consultation with the City Attorney’s Office, to implement the purchase agreement in order to consummate the transaction in accordance with this Ordinance, or to otherwise effectuate the purpose of this Ordinance and its basic purposes.

SECTION 2. California Environmental Quality Act. The City Council finds and determines that this action is exempt from the CEQA, on a separate and independent basis pursuant to Public Resources Code Section 21080.25(b)(1) (Pedestrian and bicycle facilities, including new facilities); Public Resources Code Section 21080.20 (bicycle, pedestrian, and transit facilities); CEQA Guidelines Section 15183 (Projects Consistent with a Community Plan, General Plan or Zoning); CEQA Guidelines Section 15301(c) (Existing Facilities, Highways and Streets); CEQA Guidelines Section 15302 (Replacement or Reconstruction); CEQA Guidelines Section 15303 (Small Structures), CEQA Guidelines Section 15304(h) (minor alterations to land); and/or CEQA Guidelines Section 15061(b)(3) (No Significant Effect on the Environment). These exemptions are appropriate because the Project proposes that the City acquire the real estate rights to improve on and enhance existing right-of-way facilities, which will only improve the physical environment in the area by enhancing pedestrian and bicycle facilities. Taken individually or collectively, the above exemptions serve as a proper basis for CEQA clearance.

SECTION 3. Severability. 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 Chapter. 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 4. Effective Date. 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,

PASSED BY THE FOLLOWING VOTE:

AYES - BROWN, FIFE, GALLO, HOUSTON, RAMACHANDRAN, UNGER, WANG AND
PRESIDENT JENKINS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____
ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California

NOTICE AND DIGEST

ORDINANCE AUTHORIZING THE CITY ADMINISTRATOR TO NEGOTIATE AND EXECUTE AN AGREEMENT TO PURCHASE AN EASEMENT FOR PUBLIC RIGHT OF WAY, STREET AND UTILITY PURPOSES OVER A PORTION OF THE REAL PROPERTY LOCATED AT 260 OAK STREET, OAKLAND, CALIFORNIA, FROM THE VUKASIN FAMILY LIMITED PARTNERSHIP IN THE AMOUNT OF \$255,000; AND ADOPTING CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

An Ordinance authorizing the City Administrator to negotiate and execute a purchase agreement to purchase an easement for public right of way, streets and utility purposes over a portion of the real property located 260 Oak Street, Oakland, California, from The Vukasin Family Limited Partnership in the amount of \$255,000; and adopting California Environmental Quality Act (“CEQA”) findings.