



CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION AMENDING RESOLUTION NO. 89703 C.M.S. AUTHORIZING THE CITY ADMINISTRATOR TO ACQUIRE FROM HOME DEPOT U.S.A., INC. A 776 SQUARE FOOT PARCEL WITH 130.93 LINEAR FEET OF ACCESS CONTROL AND A 14,179 SQUARE FOOT TEMPORARY CONSTRUCTION EASEMENT IN A TOTAL AMOUNT NOT TO EXCEED NINE HUNDRED SEVENTY-FIVE THOUSAND SIX HUNDRED FIFTY-NINE DOLLARS (\$975,659) FOR THE CONSTRUCTION OF 42ND AVENUE AND HIGH STREET ACCESS IMPROVEMENT PROJECT

WHEREAS, the 42nd Avenue and High Street Access Improvement Project (the Project) is a major roadway construction project that will involve the extension of 42nd 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 limit; and

WHEREAS, on May 2, 2023, the City Council adopted Resolution No. 89703 (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 Interstate-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 (Project); and adopting appropriate California Environmental Quality Act (CEQA) Findings; and

WHEREAS, to satisfy Caltrans safety criteria and receive Caltrans approval of the Project, the City must acquire from Home Depot a 776 square foot parcel with an additional 130.93 linear feet of access control, a 14,179 square foot temporary construction easement, and reimbursement for Home Depot's rental cost for a temporary auxiliary water pressure pump as a result of the City's use of the easement area in a total amount not to exceed Nine Hundred Seventy-Five Thousand Six Hundred Fifty-Nine Dollars (\$975,659) to compensate Home Depot for the necessary property rights and for the cost of the temporary auxiliary water pressure pump for the construction of 42nd Avenue and High Street Access Improvement Project; and

WHEREAS, the requirements of CEQA, the CEQA Guidelines as prescribed by the Secretary for Resources, and the provisions of the Environmental Review Regulations of the City have been met because this transaction is exempt from CEQA under section 15276 of the CEQA Guidelines (Transportation Improvement and Congestion Management Programs);

WHEREAS, the Project is a priority project identified in the City's Fiscal Year 2025-2027 Capital Improvement Program under the Complete Streets Capital Program; now, therefore, be it

RESOLVED: That the City Council amends Resolution No. 89703 C.M.S. to authorize the City Administrator to acquire from Home Depot a 776 square foot parcel with 130.93 linear feet of access control, a 14,179 square foot temporary construction easement, and reimbursement for Home Depot's rental cost for a temporary auxiliary water pressure pump as a result of the City's use of the easement area in a total amount not to exceed Nine Hundred Seventy-Five Thousand Six Hundred Fifty-Nine Dollars (\$975,659) for the construction of 42nd Avenue and High Street Access Improvement Project; and be it

FURTHER RESOLVED: That local funds are available in Measure U Fund (5342) Complete Streets Capital Project (1003348) and will be reallocated to the 42ND AVE HIGH ST I-880 Project (1003983) for expenditure; and be it

FURTHER RESOLVED: The City Council finds and determines that the requirements of CEQA, the CEQA Guidelines as prescribed by the Secretary for Resources, and the provisions of the Environmental Review Regulations of the City 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 property rights acquisition; 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, including execution of documents for City transfer of access control to Caltrans as needed for the 42nd Avenue and High Street Access Improvement Project; and be it

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

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

3449576 / NC