



## Legislation Details (With Text)

<b>File #:</b>	23-186	<b>Version:</b>	1	<b>Name:</b>	Maintenance Agreement with 13847 San Leandro Partners, LLC
<b>Type:</b>	Staff Report	<b>Status:</b>		<b>In control:</b>	City Council
<b>On agenda:</b>	6/5/2023	<b>Final action:</b>		<b>Enactment #:</b>	2023-064
<b>Enactment date:</b>					
<b>Title:</b>	Adopt a Resolution to Approve and Authorize the City Manager to execute a Maintenance Agreement with 13847 San Leandro Partners LLC for Maintenance of the San Leandro Senior Community Center Parking Lot				
<b>Sponsors:</b>	Debbie Pollart				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. A - Resolution for Senior Center Parking Lot Maintenance Agreement, 2. B - Maintenance Agreement for Senior Center Parking Lot with 13847 San Leandro Partners LLC				

Date	Ver.	Action By	Action	Result
6/5/2023	1	City Council	Received and Filed	Pass

Adopt a Resolution to Approve and Authorize the City Manager to execute a Maintenance Agreement with 13847 San Leandro Partners LLC for Maintenance of the San Leandro Senior Community Center Parking Lot

### COUNCIL PRIORITY

- Infrastructure

### SUMMARY

The City has an easement for ingress/egress and parking for the San Leandro Senior Center in an adjacent parcel owned by 13847 San Leandro Partners LLC. The agreement establishes maintenance obligations between the City and 13847 San Leandro Partners LLC.

### RECOMMENDATIONS

Staff recommends the City Council adopt a resolution approving and authorizing the City Manager to execute a maintenance agreement with 13847 San Leandro Partners LLC for maintenance of the San Leandro Senior Community Center Parking Lot.

### BACKGROUND

The San Leandro Senior Community Center ("Senior Center") is located at 13909 E. 14th Street. The City purchased the property underlying the Senior Center from the Eden Township Healthcare District ("Eden") in 2005. At the time, Eden was the owner of multiple parcels of property adjacent to the Senior Center. In 2006, Eden granted the City easements over certain portions of the adjacent

property for ingress/egress and parking. In 2007, the City and Eden entered into a maintenance agreement that established the City and Eden's responsibilities regarding maintenance of the easements.

In the subsequent years, Eden sold or transferred the property located adjacent to the Senior Center. Alameda Health Systems currently owns the property located behind the Senior Center, where San Leandro Hospital is located. 13847 San Leandro Partners LLC ("San Leandro Partners") owns the property adjacent to the Senior Center along E. 14th Street.

The property owned by San Leandro Partners includes the parking lot located adjacent to 138th Avenue. The City holds an exclusive easement over that parking lot for ingress/egress and parking (the "Easement"). The area covered by the Easement is shown in Exhibit C to Maintenance Agreement between the City of San Leandro and 13847 San Leandro Partners LLC, as attached (the "Easement Area").

As the owner of the Easement, the City has an obligation to maintain the Easement Area and keep it in good and safe repair. While the City and Eden previously entered into a maintenance agreement regarding the Easement Area, that agreement terminated when Eden sold the property. Accordingly, City staff has been negotiating a new maintenance agreement with San Leandro Partners to clarify the duties of each party in detail.

## **Analysis**

Under the proposed maintenance agreement, the City will continue to provide monthly landscaping and periodic maintenance for the vegetation and trees located in the Easement Area and will perform minor repairs and maintenance of the irrigation system as necessary. The City will also continue to be responsible for repairing potholes and restriping the parking lot in the Easement Area as reasonably required. The City will also continue to be responsible for lighting repairs.

If any repairs or alterations of the Easement Area have an estimated cost of over \$10,000, the City and San Leandro Partners will meet and agree upon the scope of the repair or alteration. The City will be responsible for performing the work or hiring a contractor to perform the work. The City will pay the first Ten Thousand Dollars (\$10,000) of such repair or alteration, with any cost above that amount split equally between the City and San Leandro Partners.

Under the proposed maintenance agreement, the East Bay Municipal Utility District water meter serving the Easement Area will be placed in an account under the City's name. The City will be responsible for the cost of all water used in the Easement Area. San Leandro Partners will be responsible for maintaining electricity service with PG&E to serve the Easement Area and will pay all related bills.

As part of the agreement, the City is also agreeing to pay San Leandro Partners \$7,448 for a portion of the costs incurred by San Leandro Partners due to a leak in the irrigation system in the Easement Area and related repairs. In the future, any necessary repairs will be conducted by the City as described above.

The City's responsibilities are consistent with the City's obligation as the owner of the Easement to maintain the Easement Area. The proposed maintenance agreement will also help the City ensure the parking lot serving the Senior Center is kept in good and safe condition.

The proposed maintenance agreement, if approved, will be recorded on the property to bind future owners. This will ensure that future owners of the adjacent property are aware of their responsibilities.

### **Environmental Review**

The proposed resolution is exempt from the requirements of the California Environmental Quality Act (“CEQA”) under Section 15061(b)(3) State CEQA Guidelines because it can be seen with certainty that there is no possibility that the resolution may have a significant effect on the environment.

### **Financial Impacts**

Sufficient funds are included in the Fiscal Year 2022-2023 General Fund budget to reimburse San Leandro Partners for the irrigation leak:

- General Fund-Administration, Account 010-62-001-5430: \$7,448

This Council action will not impact fund balance because there are funds available in the FY2022-2023 adopted budget.

### **ATTACHMENTS**

**Attachment A:** Resolution for Senior Center Parking Lot Maintenance Agreement

**Attachment B:** Maintenance Agreement for Senior Center Parking Lot with 13847 San Leandro Partners LLC

**PREPARED BY:** Jennifer Auletta, Deputy Public Works Director, Public Works Department