



## Legislation Text

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Staff Report for a Grant of Easement for Flood Protection Purposes to the Port of Oakland and Approval of an Access License Agreement with \$500,000 as Consideration with the Port of Oakland for the Oakland International Airport Perimeter Dike Project; and Acceptance of a Grant of Easement for Roadway Purposes and Acceptance of a Temporary Grant of Easement for Roadway Construction from Port of Oakland to the City of San Leandro for Eden Road

### SUMMARY AND RECOMMENDATIONS

Staff recommends that the City Council grant authority to the City Manager to execute the following real estate documents:

1. Grant of Easement for Flood Protection Purposes to the City of Oakland acting by and through its Board of Port Commissioners ("Port of Oakland") across the City of San Leandro's Water Pollution Control Plant property for construction of the Oakland International Airport Perimeter Dike Project, and
2. License Agreement between the City of Oakland and the Port of Oakland for the Port to have access across the City of San Leandro's Water Pollution Control Plant property for construction and long-term maintenance of the Oakland International Airport Perimeter Dike. The License includes a one-time \$500,000 payment from the Port of Oakland as consideration for entering into the agreement.

Staff recommends the City Council grant authority to the City Clerk to accept the following easements pursuant to the authority conferred by Resolution No. 2005-143 adopted on October 17, 2005:

1. Grant of Easement for Roadway Purposes for Eden Road from the Port of Oakland, and
2. Temporary Grant of Easement for Roadway Construction from the Port of Oakland across a 5-foot strip of land abutting the northern edge of Eden Road.

### BACKGROUND

Both the Port of Oakland and the City of San Leandro have been working on individual projects along the jurisdictional boundary that separates Oakland from San Leandro. The Port of Oakland's project will upgrade the earthen dike that surrounds the Oakland International Airport, including the portion that extends onto the San Leandro's Water Pollution Control Plant property. The City of San Leandro's project involves improvements to Eden Road, which relies on acquisition of a sliver of land from the Metropolitan Golf Links course within the City of Oakland. The schedules for both projects have been progressing along similar timelines. As such, staff from both agencies have been working cooperatively together for the past several years.

The Port of Oakland's project is being undertaken in response to Federal Emergency Management Agency (FEMA) requirements for certification of the perimeter dike at the airport for 100-year flood

protection and to reduce the vulnerability of the dike to seismically induced deformation during an earthquake. The main improvements to the dike include raising its height approximately 3 feet to provide 2 feet for freeboard (protected clearance) and approximately 1 foot for anticipated sea-level rise.

The City's project for Eden Road is described in the 2035 General Plan which reads, *"As funding becomes available, complete the Eden Road improvement project including paving and sidewalk improvements...."* Improvements to Eden Road will make development opportunities within this industrial zone more attractive for property owners. This will fulfill another General Plan goal which reads, *"Improve Eden Road/West Davis area in a manner that attracts higher value industrial land uses and improves the appearance and image of this area. This should include paving of Eden Road and frontage improvements on adjacent properties."*

### **Analysis**

The Port's project requires the City to dedicate a 1.31 acre easement for flood protection purposes (Exhibit 1) along the western edge of the Water Pollution Control Plant property. The easement overlays an access road that encircles a decommissioned polishing pond. The easement will allow the Port to maintain the upgraded dike in perpetuity, as required by FEMA. Although the Bay Trail crosses the easement area, the dike will not obstruct the trail.

Access to the easement will be granted to the Port from the western end of Davis Street through the Water Pollution Control Plant property's secured gate. This access will be granted via a License Agreement (Exhibit 3). The License guarantees the Port's use of the access roads within the Plant property to maintain the dike, but allows the City to reconfigure the property due to changes in Plant infrastructure. As consideration for granting the License, the Port will pay the City \$500,000 in unrestricted funds.

Eden Road requires a 14-foot wide (0.37 acre) easement for roadway purposes across land controlled by the Port within the southern edge of the Metropolitan Golf Links course (Exhibit 4). Upon acquisition of the easement, the City will control a 64-foot wide right-of-way. This width allows construction of a two-lane industrial road with western terminus at the Water Pollution Control Plant perimeter fence.

The City will also acquire a 5-foot wide (0.13 acre) temporary easement along the north side of Eden Road for construction purposes. Once construction is complete and accepted, the temporary easement would automatically extinguish.

Although Eden Road has been planned in the Capital Improvement Program as Project 2006.0060 for many years, the dissolution of the City's Redevelopment Agency together with insufficient alternative funding has slowed progress. In recent months, the City has developed a funding program that relies on contributions from the adjoining property owners: Kantor Properties Limited and KK Eden Properties LLC together doing business as Alco Metals; Guadalupe and Theresa Chaidez doing business as Phelps Auto Wreckers; and the City's Water Pollution Control Plant. The funding program for Eden Road will be presented to the City Council as a future agenda item.

### **Current Agency Policies**

Maintain and enhance San Leandro's infrastructure.

### **Previous Actions**

Ordinance No. 2007-002 established right-of-way lines for Eden Road from Doolittle Drive to Davis Street, as passed on January 16, 2007.

The City Council reviewed the proposed easements and considered the recommended action in Closed Session on September 16, 2019.

### **Committee Review and Actions**

The Eden Road Design was presented to the Facilities & Transportation Committee on September 16, 2009, on June 14, 2011, and on May 8, 2019.

### **Applicable General Plan Policies**

Goal T-5: "Improve major transportation arteries for circulation in and around the city."

Action T-5.2.D: "As funding becomes available, complete the Eden Road improvement project including paving and sidewalk improvements, and improved connectivity between Davis Street and Doolittle Drive."

Goal LU-7: "Sustain dynamic innovation districts which place San Leandro on the leading edge of the Bay Area's manufacturing and technology economy."

Action LU-7.6.D: "Improve Eden Road/West Davis area in a manner that attracts higher value industrial land uses and improves the appearance and image of this area. This should include paving of Eden Road and frontage improvements on adjacent properties."

### **Environmental Review**

A Notice of Determination was filed on December 18, 2015 by the Port of Oakland for their Airport Perimeter Dike project in compliance with §21152 of the California Public Resources Code (State Clearinghouse No. 2015092045).

The City's Eden Road Project was found to be Categorically Exempt on September 1, 2006, according to §15303(d) of the California Code of Regulations.

### **Board/Commission Review and Actions**

The Eden Road Plan Line was reviewed by the Planning Commission on September 14, 2006.

### **Summary of Public Outreach Efforts**

The City has met with Alco Metals and Phelps Auto Wreckers representatives numerous times during the past several months to discuss a funding program for design and construction of Eden Road.

## **Legal Analysis**

The City Attorney's Office prepared and/or reviewed the documents attached to this report.

## **Fiscal Impacts**

The City will receive a \$500,000 one-time payment in unrestricted funds from the Port of Oakland as consideration for granting a License across the Water Pollution Control Plant property.

## **ATTACHMENTS**

### **Attachment to Staff Report**

- Map of areas affected by land transaction

### **Attachments to Related Legislative Files**

- Grant of Easement for Flood Control Purposes to the City of Oakland acting by and through its Board of Port Commissioners (Exhibit 1)
- License Agreement to the City of Oakland acting by and through its Board of Port Commissioners (Exhibit 2)
- Grant of Easement for Roadway Purposes from the City of Oakland acting by and through its Board of Port Commissioners (Exhibit 3)
- Temporary Grant of Easement for Roadway Construction from the City of Oakland acting by and through its Board of Port Commissioners (Exhibit 4)

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