



Legislation Text

File #: 19-602, **Version:** 1

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

WHEREAS, the City of Oakland acting by and through its Board of Port Commissioners ("Port of Oakland") requires certain property rights from the City of San Leandro to construct and maintain its Oakland International Airport Perimeter Dike Project; and

WHEREAS, the City of San Leandro owns property at the west end of Davis Street as shown on Parcel Map 10036, Parcels 1 and 2, as recorded on April 5, 2012 in Book 320 of Parcel Maps at Pages 17-19, hereinafter referred to as the Water Pollution Control Plant (WPCP); and

WHEREAS, the Port of Oakland has asked the City of San Leandro to execute a Grant of Easement for Flood Protection Purposes across a 1.31 acre portion of the WPCP property for said Dike Project; and

WHEREAS, the Port of Oakland has asked the City of San Leandro to execute a License Agreement that will grant construction and maintenance access across the WPCP property, and will issue a one-time payment in the amount of \$500,000 in General Fund unrestricted funds (revenue account 010-3835) as consideration for executing said License; and

WHEREAS, the City of San Leandro requires certain property rights from the Port of Oakland to construct and maintain Eden Road, as said road is described in Ordinance 2007-002 adopted on January 16, 2007; and

WHEREAS, the Port of Oakland controls property immediately north of and abutting the jurisdictional boundary between Oakland and San Leandro on land occupied by the Metropolitan Golf Links course; and

WHEREAS, the City of San Leandro has asked the Port of Oakland to execute a Grant of Easement for Roadway Purposes across a 14'-wide strip of Port-controlled land (0.37 acres) for said Eden Road; and

WHEREAS, the City of San Leandro has asked the Port of Oakland to execute a Temporary Grant of Easement for Roadway Construction across a 5'-wide strip of Port-controlled land (0.13 acres) for said Eden Road construction, with said easement to extinguish upon completion and acceptance of construction; and

WHEREAS, the City Council is familiar with the contents of the described real estate

documents attached and consents to their execution on behalf of the City; and

WHEREAS, the City Manager recommends approval of said real estate documents presuming reciprocal approval is granted by the Board of Port Commissioners prior to execution of any document.

NOW, THEREFORE, the City Council of the City of San Leandro does RESOLVE as follows:

That said Grant of Easement for Flood Protection Purposes to the Port of Oakland across a portion of the City-owned WPCP at the west end of Davis Street, as shown on Parcel Map 10036 as Parcels 1 and 2, as recorded on April 5, 2012, in Book 320 of Parcel Maps at Pages 17-19, is hereby approved and execution by the City Manager is hereby authorized; and

That said License Agreement granting access to the Port of Oakland across said the City-owned WPCP for construction and maintenance of the Oakland International Airport Perimeter Dike be executed by the City Manager on behalf of the City of San Leandro upon receipt of a one-time \$500,000 payment in unrestricted funds; and

That said Grant of Easement for Roadway Purposes for Eden Road across land controlled by the Port of Oakland be accepted by the City Clerk pursuant to the authority conferred by Resolution No. 2005-143 adopted on October 17, 2005; and

That said Temporary Grant of Easement for Roadway Construction for Eden Road across land controlled by the Port of Oakland be accepted by the City Clerk pursuant to the authority conferred by Resolution No. 2005-143 adopted on October 17, 2005; and

That said real estate documents be executed only after reciprocal approval is granted by the Board of Port Commissioners.