

PORT ORDINANCE NO.4833
ORDINANCE APPROVING AND AUTHORIZING THE EXECUTIVE DIRECTOR TO EXECUTE: 1) A STORM DRAIN EASEMENT AGREEMENT WITH KK EDEN PROPERTIES, LLC FOR THE PREMISES CONSISTING OF A 317 SQUARE FEET PORTION OF LAND LOCATED WITHIN APN 42-4525-1-2, ADJACENT TO EDEN ROAD, FOR A TERM OF SIXTY-SIX YEARS, FOR A ONE-TIME PAYMENT OF \$8,500.00, AND 2) AN ACCESS EASEMENT WITH KK EDEN PROPERTIES, LLC FOR UNRESTRICTED PORT ACCESS TO PORT PROPERTY FROM EDEN ROAD APN 42-4530-5-2, AND; FINDING THAT THE PROPOSED ACTION IS EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

WHEREAS, the Board of Port Commissioners of the City of Oakland ("Board") has reviewed and evaluated the Agenda Report for Agenda Item 2.1, dated April 9, 2026, ("Agenda Report") and related agenda materials, has received the expert testimony of Port of Oakland ("Port") staff, and has provided opportunities for and taken public comment; and

WHEREAS, in acting upon this matter, the Board has exercised its independent judgment based on substantial evidence in the record and adopts and relies upon the facts, data, analysis, and findings set forth in the Agenda Report and in related agenda materials and in testimony received; now, therefore,

BE IT ORDAINED by the Board of Port Commissioners of the City of Oakland as follows:

Section 1. The Board hereby finds and determines that the proposed action is categorically exempt from the California Environmental Quality Act ("CEQA") under Section 15311 of the CEQA Guidelines because the proposed action is limited to construction, or placement of minor structures accessory to existing commercial, industrial, or institutional facilities.

Section 2. The Board hereby approves and authorizes the Executive Director or her designee to:

A. Execute (i) the Storm Drain Easement Agreement ("Agreement") with **KK Eden Properties, LLC** ("KK Eden") for the premises consisting of a 317 square feet portion of land located within APN 42-4525-1-2, adjacent to Eden Road, for a term of sixty-six (66) years, for a one-time payment of \$8,500.00, as further described in the Agenda Report, subject to approval as to form and legality by the Port Attorney, and (ii) the Access Easement ("Access Easement") with KK Eden for unrestricted Port access to Port property from Eden Road APN 42-4530-5-2 for a perpetual term, as further described in the Agenda Report, subject to approval as to form and legality by the Port Attorney.

B. Make any additions, modifications, or corrections or enter into any documents, including a certificate of acceptance, as necessary to implement the Agreement or Access Easement, provided that any such addition, modification, or correction or documents or certificates do not materially differ from the terms and conditions set forth herein and in the Agenda Report, subject to approval as to form and legality by the Port Attorney.

Section 3. This Ordinance is not evidence of and does not create or constitute (a) a contract, or the grant of any right, entitlement or property interest, or (b) any obligation or liability on the part of the Board or any officer or employee of the Port. Unless and until a separate written agreement is duly executed on behalf of the Board as authorized by this Ordinance, is signed as approved as to form and legality by the Port Attorney, and is delivered to the other contracting party, there shall be no valid or effective agreement.

Section 4. This Ordinance shall take effect on the date of its final adoption; provided, however, that if a petition protesting the adoption of this Ordinance is timely and duly submitted to the elections official of the City of Oakland in the manner required under California Elections Code § 9237, the effective date of this Ordinance shall be suspended, and all actions authorized by this Ordinance shall be null and void.

The Board of Port Commissioners, Oakland, California, April 9, 2026. Passed to print for one day by the following vote: Ayes: Commissioners Dominguez Walton, Leslie, Martinez, Muhammad, Myres, Wong and President Cluver - 7. Noes: 0.

Daria Edgerly,

Secretary of the Board