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## BOARD OF PORT COMMISSIONERS CITY OF OAKLAND

### RESOLUTION APPROVING BUILDING PERMIT REQUESTED BY FED EX.

**WHEREAS**, the Board of Port Commissioners ("Board") has reviewed and evaluated Summary Sheet for Permit Application, Item No. 2.2, dated June 25, 2015 ("Agenda Sheet") 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**, that 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 Sheet and in related agenda materials and in testimony received;

**RESOLVED**, that in reliance upon the representations and certifications set forth upon and submitted with an application by **FED EX** ("tenant") for a building permit to perform certain work at 1 Sally Ride Way, Oakland, California ("Premises"), the Board of Port Commissioners ("Board") hereby approves same subject to said representations and certifications at an estimated cost of \$38,000, said work and applicable conditions of Port of Oakland ("Port") approval including the following:

- 1) Installation of replacement light pole at the Fed Ex sort facility, including construction of new foundation in the same location, installation of a new pole and fixture, and connection to existing electrical wiring;
- 2) Compliance with all of the terms and conditions set forth in tenant's agreements with the Port and all other documents regulating use of the Premises;

and be it

**FURTHER RESOLVED**, that the Board hereby finds and determines that this project is categorically exempt from the requirements of CEQA pursuant to Section 15302, which covers replacement or reconstruction of existing facilities; and be it

**FURTHER RESOLVED**, that (a) neither this resolution nor the Board's approval of said work (i) is a waiver by the Board of any Port right or remedy with respect to applicant under any agreement between the Port and the applicant or with respect to any obligation of applicant, or (ii) releases applicant from any obligation with respect to said work or with respect to any agreement between the Port and applicant and (b) this resolution is not evidence of and does not create or constitute (i) a contract, or the grant of any right (other than to perform the work subject to the provisions of this resolution), entitlement or property interest, or (ii) any obligation or liability on the part of the Board or any officer or employee of the Board.

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