



AGENDA REPORT

PROPOSED ACTION: Ordinance: Approve and Authorize 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 66 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 Assessor’s Parcel Number 42-4530-5-2, and; Finding that the Proposed Action is Exempt Under the California Environmental Quality Act. **(Aviation)**

Submitted By: Craig Simon, Director of Aviation; Kristi McKenney, Executive Director

Parties Involved: KK Eden Properties, LLC, a California Limited Liability Corporation, San Leandro, CA

Amount: \$8,500.00 (FY 2026)
(Operating Revenue)

EXECUTIVE SUMMARY: Two easement agreements are proposed with KK Eden Properties, LLC (KK Eden). The first is a 66-year Storm Drain Easement Agreement for a 317 square feet portion of land located within parcel Assessor’s Parcel Number (APN) 42-4525-1-2, adjacent to Eden Road (Storm Drain Easement Premises). This Storm Drain Easement Agreement grants KK Eden an easement for the purposes of constructing and maintaining a 12-inch underground storm drain pipeline with a five-foot buffer on either side for access to the facilities. The second is a perpetual Port Access Easement Agreement (Access Easement Agreement) with KK Eden for the premises consisting of 49,806 square feet comprising APN 42-4530-5-2, commonly referred to as Eden Road (Access Easement Premises), for the Port’s unrestricted access over and across the Access Easement Premises to adjacent Port property.

BACKGROUND & ANALYSIS

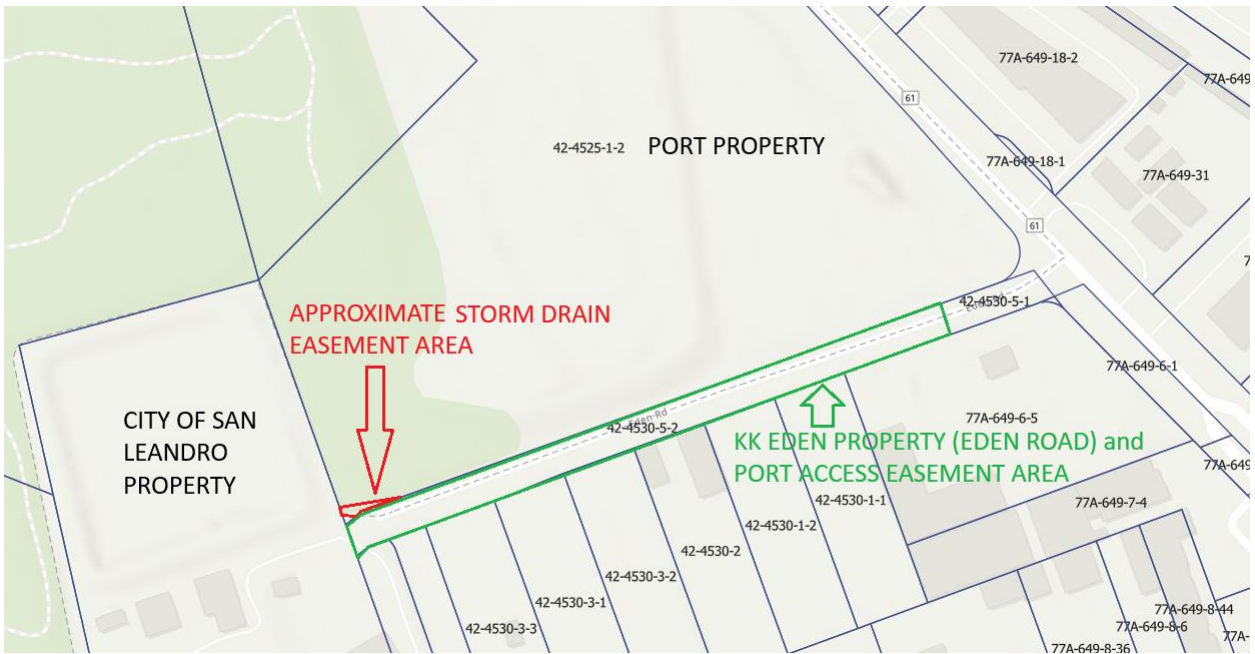
Storm Drain Easement Agreement

The Port owns APN 42-4525-1-2, consisting of 18.76 acres of land currently utilized primarily as a portion of Metropolitan Golf Links and vacant land. The proposed Storm Drain Easement Premises consists of a small portion of the parcel at the southwestern corner totaling 317 square feet. The approximate locations of the Port-owned parcel and the Storm Drain Easement Premises are depicted in Exhibit 1 and Exhibit 2.

Exhibit 1
Assessor's Parcel Number 42-4525-1-2



Exhibit 2
Detail of Proposed Easement



The proposed Storm Drain Easement Agreement would support a private underground 12 inch storm drain line with maximum 5 foot buffer on either side of the centerline of the pipe to allow for access to install and maintain the section of pipe emanating from KK Eden's property to the south and exiting the Port property on the east, which would tie into the public storm drain pipe at the City of San Leandro's property boundary.

The easement is necessary for KK Eden to satisfy conditions required by the City of San Leandro to develop the adjacent KK Eden-owned parcel (APN 42-45305-2) as a public road. That property is currently undeveloped dirt but utilized by the Port and public as a road for access to properties along Eden Road.

Port Staff have researched the Storm Drain Easement Premises and determined that the land is not anticipated to be needed for use by the Port during the proposed sixty-six year term of the Storm Drain Easement Agreement. The Port will reserve the right to reclaim the Storm Drain Easement Premises from KK Eden if KK Eden fails to maintain the storm drainpipe or otherwise fails to satisfy any requirements of the Storm Drain Easement Agreement during the term.

The \$8,500.00 consideration for the Storm Drain Easement Agreement was negotiated by the Port and KK Eden and is the fair market value based upon similar rights to other comparable properties recently sold in the local area both from the Port and to KK Eden in separate transactions.

As a condition of the Port's execution of the Storm Drain Easement Agreement, KK Eden will install a gate east of the existing access to Port property from Eden Road at its own cost and expense and will maintain the gate during the term of the Storm Drain Easement Agreement.

The Port Surveyor has reviewed the easement descriptions and determined that the Storm Drain Easement Premises is properly described for recordation in the public records. A Port Development Permit for the project will need to be approved by the Board prior to KK Eden proceeding with construction of the storm drain facilities.

The resulting development of an improved public road for access to Port property situated along Eden Road, and the clean and safe discharge of storm water from Eden Road into the public storm drain system situated on adjacent City of San Leandro property would be a benefit to the Port.

Access Easement Agreement

To preserve and maintain access from Eden Road to the adjacent Port property, the Port and KK Eden will execute a perpetual Access Easement Agreement. This agreement will cover the entirety of the Eden Road parcel and provide for unrestricted 24/7 access over and across Eden Road for the Port, its agents, and assigns.

A legal description of the Access Easement Area has been prepared by KK Eden's surveyor and has been reviewed and approved by the Port Surveyor for recordation in the public records. There is no monetary consideration to be paid from the Port to KK Eden in exchange for the Access Easement Agreement.

The Access Easement Agreement satisfies conditions of approval required by the City of San Leandro for transfer of the Eden Road property to KK Eden, as memorialized in a recorded MOU executed by the City and KK Eden and recorded in the public records of Alameda County as document number 2025107515.

OTHER FINDINGS AND PROVISIONS

ENVIRONMENTAL REVIEW

The proposed action was analyzed under the California Environmental Quality Act (CEQA) and was found to be:

- Categorically exempt under the following CEQA Guidelines Section:
15311 (Accessory Structures)
- "Common Sense" exemption under CEQA Guidelines Section 15061(b)(3).
- Other/Notes:

BUDGET

- Administrative (No Impact to Operating, Non-Operating, or Capital Budgets); OR
 - Operating
 - Non-Operating
 - Capital

Analysis: This action will result in additional revenues of \$8,500 compared to the adopted FY 2026 Revenue Budget.

STAFFING

- No Anticipated Staffing Impact.
- Anticipated Change to Budgeted Headcount.
Reason:
- Other Anticipated Staffing Impact (e.g., Temp Help).
Reason:

MARITIME AND AVIATION PROJECT LABOR AGREEMENT (MAPLA):

Applies? No (Not Aviation or Maritime CIP Project) – proposed action is not covered work on Port’s Capital Improvement Program in Aviation or Maritime areas above the threshold cost.

- Additional Notes:

LIVING WAGE (City Charter § 728):

Applies?

No (No Covered Agreement) – proposed action is not an agreement, contract, lease, or request to provide financial assistance within the meaning of the Living Wage requirements.

- Additional Notes:

SUSTAINABLE OPPORTUNITIES:

Applies? **No.**

Reason: There are no sustainability opportunities related to the proposed action.

GENERAL PLAN (City Charter § 727):

Conformity Determination:

Maritime/Aviation – proposed action conforms to policies for transportation designation of the General Plan.

STRATEGIC PLAN. The proposed action would help the Port achieve the following goal(s) in the Port's Strategic Plan:

- Capture Our Market and Grow the Economic Base
- Modernize and Upgrade Infrastructure
- Transition to Zero-Emissions and Build Climate Resilience
- Maximize Land Use Value and Revenues
- Workforce Training and Jobs Development
- Create Opportunities for Local Businesses and Community Economic Development