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**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

**RESOLUTION APPROVING BUILDING PERMIT
REQUESTED BY SSA TERMINALS, LLC.**

WHEREAS, the Board of Port Commissioners ("Board") has reviewed and evaluated Item No. 2.7 - the Summary Sheet for Permit Application (Port Permit No. 5156) dated November 8, 2017 - and related agenda materials ("Agenda Sheet"), 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;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. In reliance upon the representations and certifications set forth upon and submitted with an application by the Applicant for a building permit to perform certain work at the Premises, and provided that the Applicant complies with all of the terms and conditions set forth in Applicant's agreement(s) with the Port and all other documents regulating use of the Premises, the Board hereby authorizes the Executive Director to approve the building permit for the following work:

- A. Applicant: **SSA Terminals, LLC**
- B. Premises: 1717 Middle Harbor Road, OICT Gate, Oakland, California
- C. Estimated Cost: \$655,000
- D. Work: Construction of a new OCR portal at the entrance gate to replace existing equipment, which work will include new concrete foundations, curbs, and paving; utility upgrades; and removal of old archways and equipment.

SECTION 2. The Board hereby finds and determines that the work to be performed under this building permit is categorically exempt from the requirements of the California Environmental Quality Act ("CEQA") and the Port CEQA Guidelines under Section 15302(c), which exempts the replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity.

SECTION 3. (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.

SECTION 4. This resolution shall be effective immediately upon adoption by the Board.

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