

PORT ORDINANCE NO. 4466

ORDINANCE APPROVING A GRANT OF EASEMENT WITH THE CITY OF SAN LEANDRO FOR APPROXIMATELY 18,000 SQUARE FEET OF PORT OWNED REAL PROPERTY WITHIN EDEN ROAD FOR THE CONSTRUCTION, MAINTENANCE AND REPAIR OF A TWO LANE ROADWAY CONNECTING DOOLITTLE DRIVE AND DAVIS STREET IN SAN LEANDRO FOR A TERM OF 66 YEARS FOR NO MONETARY CONSIDERATION.

**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 March 8, 2018 (the "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; now, therefore

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

**Section 1.** 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.

**Section 2.** The Board hereby approves the terms and conditions set forth in the Agenda Report for the Grant of Easement with the **City of San Leandro** for approximately 18,000 square feet of Port owned real property within Eden Road for the construction, maintenance and repair of a two-lane roadway connecting Doolittle Drive and Davis Street in San Leandro for a term of 66 years for no monetary consideration.

**Section 3.** The Board hereby authorizes the Executive Director to execute the Grant of Easement with the **City of San Leandro**, subject to approval as to form and legality by the Port Attorney.

**Section 4.** The Board hereby finds and determines that the requested action will not result in a physical change in the environment, and therefore is exempt from the California Environmental Quality Act ("CEQA") under CEQA Guideline Section 15061(b)(3), which states that CEQA applies only to activities that have a potential for causing a significant change in the environment, and no further environmental review is required.

**Section 5.** This ordinance is not evidence of and does not create or constitute (a) a contract(s), 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 Board. Unless and until a separate written contract 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 other contracting party, there shall be no valid or effective contract.

The Board of Port Commissioners, Oakland, California, March 8, 2018. Passed to print for one day by the following vote: Ayes: Commissioners Butner, Cluver, Hamlin, Martinez, Yee and President Story - 6. Excused: Commissioner Colbruno - 1. Noes: 0.

Daria Edgerly  
Secretary of the Board