

BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND

12/12/19
Item 3.2
CT/MSR
MA

ORDINANCE APPROVING AN ACCESS LICENSE
AGREEMENT WITH THE CITY OF SAN LEANDRO FOR
\$500,000 IN CONSIDERATION, AND AN
ASSIGNMENT OF EASEMENT WITH HARBOR BAY ISLE
ASSOCIATES 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 3.2, dated December 12, 2019 (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 (1) the Access License Agreement with the **City of San Leandro** for access to the Airport Perimeter Dike through the City of San Leandro's Water Pollution Control Plant for \$500,000 consideration, and (2) the Assignment of Easement with **Harbor Bay Isle Associates** ("Harbor Bay") which will assign to the Port Harbor Bay's reserved easement through a parcel currently owned by Frito Lay Corporation for no monetary consideration.

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

Section 4. The Board hereby finds and determines that the requested actions are included in the Final Initial Study/Mitigated Negative Declaration determination under the California Environmental Quality Act ("CEQA"), 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.

President.

Attest: _____
Secretary.

Approved as to form and legality:

Port Attorney