

INTRODUCED BY COUNCILMEMBER _____

CITY ATTORNEY

ORDINANCE No. 11604 C. M. S.**ORDINANCE REDUCING THE PORT AREA**

WHEREAS, on or about December 15, 1992, the City Council of the City of Oakland and the Board of Port Commissioners of the City of Oakland entered into a Memorandum of Understanding Regarding the Transfer of Certain Port Property to the City Council ("MOU") which set forth terms and conditions for the transfer of certain property from the Board's to the Council's control and jurisdiction; and

WHEREAS, in accordance with the terms and conditions of the MOU, on April 20, 1993, the Board of Port Commissioners considered the introduction and first reading of An Ordinance Relinquishing to the City Council Control of a Portion of the Port Area; and

WHEREAS, the MOU requires that, subject to the satisfaction of the terms and conditions of the MOU, the Council consider the introduction and first reading of an ordinance which reduces the Port Area by removing certain property from the Port Area and accepts control over the property so removed, free from all restrictions other than those set forth in Exhibit B (except item numbered 3 therein) to the MOU and the reservation of the railroad track easement; and

WHEREAS, the requirements of the California Environmental Quality Act (CEQA) of 1970, the Guidelines as prescribed by the Secretary for Resources, and the provisions of the Statement of Objectives, Criteria and Procedures for Implementation of the California Environmental Quality Act: City of Oakland, have been satisfied, and in accordance with Sections 15061(b)(1) or 15061(b)(3) or 15301 or 15305 of the California Code of Regulations this transfer of jurisdictional control from the Board to the Council is exempt from the provisions of CEQA; now therefore

THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

1. Upon the satisfaction of the terms and conditions of the MOU, and such amendments thereto which the Board and the Council may agree to from time-to-time, the City Council hereby approves the Board's relinquishment of control and jurisdiction of the lands hereinafter described from the Port Area and reduces the Port Area by removing said lands from the Port Area. Said lands are described as follows:

PARCEL A

All such property described in Exhibit A, attached hereto and made a part hereof.

PARCEL C

All such property described in Exhibit B, attached hereto and made a part hereof.

2. The Port's acceptance from the City of the Transfer Price under the MOU shall conclusively establish that the terms and conditions of the MOU pertaining to the transfer of control and jurisdiction have been satisfied or waived by the appropriate party or parties.

3. The reduction of the Port Area is subject to the reservation and retention by the Board of an easement to operate, maintain and use the railroad tracks along Parcel C described above, pursuant and subject to the terms of the MOU, and, in addition, the provisions of the MOU requiring that Parcel A and Parcel C be free from all restrictions other than those listed in Exhibit B (except for item numbered 3 therein) of the MOU.

4. This ordinance shall take effect 7 days from and after its final adoption. However, the reduction of the Port Area by the removal of Parcel A and Parcel C therefrom shall not become final or be effective unless and until the Port accepts from the City the Transfer Price as referred to and determined in the MOU.

5. This ordinance complies with the California Environmental Quality Act, and the City's Review Officer is hereby directed to file a Notice of Exemption with the Alameda County Clerk.

JUL 6 1993

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 19 _____


PASSED BY THE FOLLOWING VOTE:

AYES— BAYTON, DE LA FUENTE, JORDAN, MILEY, MOORE, OGAWA, SPEES, WOODS-JONES, and PRESIDENT , -8
HARRIS

NOES— NONE

ABSENT— NONE

ABSTENTION— JORDAN, - 1

ATTEST: 
CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California



Job No. N0305.77
April 15, 1993

**LEGAL DESCRIPTION
PARCEL A**

All that real property situate in the City of Oakland, County of Alameda, State of California, being more particularly described as follows:

COMMENCING at a City of Oakland Monument located near the intersection of the centerline of Hassler Way and the prolongation of the southwestern right of way line of Oakport Street; thence, along said centerline, S 56°09'36" W, 45.36 feet; thence, leaving said centerline, N 33°50'24" W, 30.00 feet to the northwestern right of way line of Hassler Way, being the POINT OF BEGINNING:

thence, along said northwestern line, S 56°09'36" W, 440.69 feet;

thence, leaving last said line, N 33°50'24" W, 1657.89 feet;

thence, S 56°09'36" W, 14.00 feet;

thence, N 33°50'24" W, 253.55 feet;

thence, along a tangent curve to the left, having a radius of 392.21 feet, through a central angle of 16°30'15", an arc length of 112.96 feet;

thence, N 56°09'36" E, 488.04 feet to the said southwestern line of Oakport Street;

thence, along last said line, S 40°00'30" E, 154.39 feet;

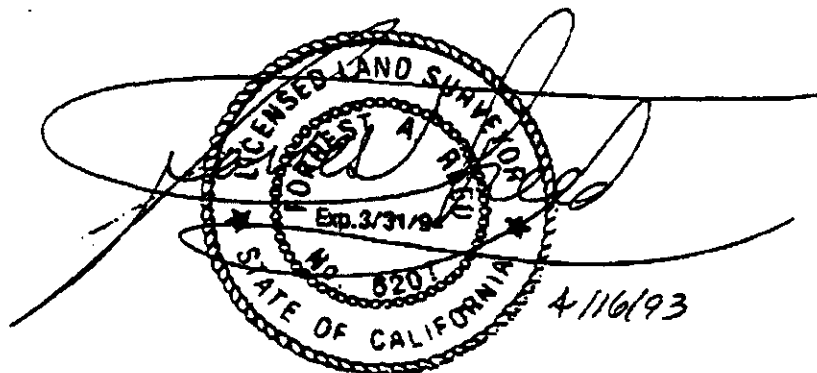
thence, along a tangent curve to the right, having a radius of 1954.00 feet, through a central angle of 6°10'18", an arc length of 210.48 feet;

thence, S 33°50'12" E, 1614.30 feet;

thence, along a tangent curve to the right, having a radius of 45.00 feet, through a central angle of 89°59'48", an arc length of 70.68 feet to the POINT OF BEGINNING.

The above description is based on the California Coordinate System of 1983, Zone 3. To obtain ground distances, multiply the above distances by 1.0000708.

Containing 22.593 acres, more or less, at ground level.



B

Job No. N0305.77
April 15, 1993

**LEGAL DESCRIPTION
PARCEL C**

All that real property situate in the City of Oakland, County of Alameda, State of California, being more particularly described as follows:

COMMENCING at a City of Oakland Monument located near the intersection of the centerline of Hassler Way and the prolongation of the southwestern right of way line of Oakport Street; thence, along said centerline, S 56°09'36" W, 45.36 feet; thence, leaving said centerline, N 33°50'24" W, 30.00 feet to the northwestern right of way line of Hassler Way; thence, along said northwestern line, S 56°09'36" W, 440.69 feet to the POINT OF BEGINNING;

thence, continuing along last said line, S 56°09'36" W, 34.00 feet;

thence, leaving last said line, N 33°50'24" W, 1911.44 feet;

thence, along a tangent curve to the left, having a radius of 372.21, through a central angle of 17°25'07", an arc length of 113.16 feet;

thence, N 56°09'36" E, 20.91;

thence, along a curve to the right with a radial line bearing S 39°39'21" W, having a radius of 392.21, through a central angle of 16°30'15", an arc length of 112.98 feet;

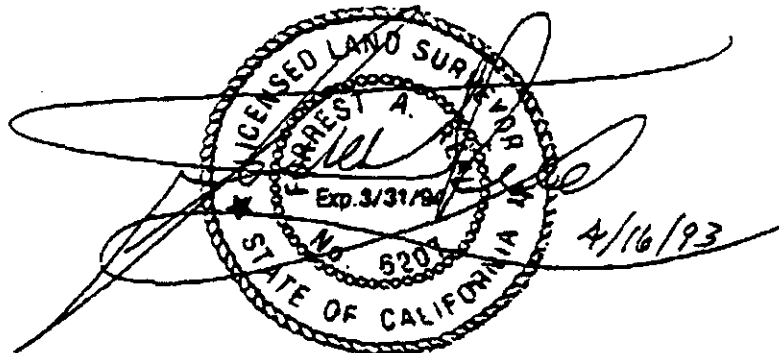
thence, S 33°50'24" E, 253.55 feet;

thence, N 56°09'36" E, 14.00 feet;

thence, S 33°50'24" E, 1657.89 feet to the POINT OF BEGINNING.

The above description is based on the California Coordinate System of 1983, Zone 3. To obtain ground distances, multiply the above distances by 1.0000708.

Containing 1.463 acres, more or less, at ground level.



The Oakland Tribune.

66 Jack London Square, Oakland, CA 94607
(510) 208-6300

4529

LEGAL NO. _____

NOTICE AND DIGEST

ORDINANCE REDUCING THE PORT AREA

This ordinance will reduce the Port Area by approximately 22 acres of land located on the other side of the Nimitz Freeway from the Oakland-Alameda Coliseum Complex. The reduction of the Port Area will not occur or become final until all terms and conditions of a Memorandum of Understanding Regarding the Transfer of Certain Port Property to the City Council, dated December 15, 1992, between the City Council and the Board of Port Commissioners of the City of Oakland have been satisfied.

This Ordinance was introduced at the regular Council Meeting, Tuesday evening, April 20, 1993, and passed to print 8 Ayes, 0 Noes. Hearing on final adoption is set for regular Council Meeting at the Lakeside Park Garden Center, 666 Bellevue Avenue, Oakland, California, Tuesday July 6, 1993 at 7:30 p.m.

Three full copies are available for use and examination by the public in the Office of the City Clerk at 505 14th Street, Suite 609, Oakland, California.

CEDA FLOYD, City Clerk
No. 4529 April 24, 1993 (11)

PROOF OF PUBLICATION

Case No.

In the matter of

.....
City of Oakland City Clerk

.....
reducing the port area

.....
Alicia Blake deposes and
says that he/she was the Public Notice Advertising Clerk of THE
OAKLAND TRIBUNE a newspaper of general circulation as
defined by Government Code Section 6000, adjudicated as such
by the Superior Court of the State of California, County of Alameda
(Order No. 237798, December 4, 1951) which is published and
circulated in Oakland Township in said county and state seven
days a week.

That the

.....
Notice and Digest

.....
of which the annexed is a printed copy, was published in every
issue of THE OAKLAND TRIBUNE on the following dates:

.....
April 24, 1993

I certify (or declare) under penalty of perjury that the foregoing
is true and correct.

.....
Date, April 27, 1993

.....
at Oakland, California.

.....
Alicia Blake

Public Notice Advertising Clerk

The Oakland Tribune.

66 Jack London Square, Oakland, CA 94607
(510) 208-6300

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Public Notice Advertising Clerk