

CITY OF ALAMEDA RESOLUTION NO. \_\_\_\_\_

AUTHORIZING THE INTERIM CITY MANAGER, OR DESIGNEE, TO EXECUTE AND RECORD, BY AND BETWEEN THE CITY OF ALAMEDA AND EAST BAY MUNICIPAL UTILITY DISTRICT, AN AMENDED AND RESTATED PARTIAL ASSIGNMENT OF NON-EXCLUSIVE EASEMENT AND GRANT OF NON-EXCLUSIVE EASEMENT OVER DEPARTMENT OF THE NAVY-OWNED LANDS; GRANT OF EASEMENT OVER CITY OF ALAMEDA-OWNED LANDS; AND ANY AND ALL ANCILLARY DOCUMENTS FOR THE EXTENSION OF WATER SERVICE IN MAIN STREET AND W. REDLINE AVENUE TO PROPERTY CONVEYED TO THE DEPARTMENT OF VETERANS AFFAIRS AT THE FORMER NAVAL AIR STATION AT ALAMEDA POINT

WHEREAS, the City of Alameda ("City") and the Department of Veterans Affairs ("VA") are successors in interest to certain lands at the former Alameda Naval Air Station through transfers pursuant to the Base Realignment and Closure ("BRAC") law; and

WHEREAS, the United States of America, acting by and through the Department of the Navy has retained certain lands and utility easements collectively referred to as "Retained Government Property" or "Lands of the Navy", used interchangeably, and pursuant to a Memorandum of Agreement and Grant of Non-Exclusive Easement for Access and Maintenance of Utility Systems at the Former NAS Alameda, the City was granted the right to assign or transfer interests in Navy Utility Systems Easements located on, in, over and under Retained Government Property, to utility service providers, without Navy's prior written consent; and

WHEREAS, the VA and City entered into a Formal Term Sheet, dated February 4, 2013 regarding the installation of infrastructure and required utility easements within and outside VA Property to serve a Community Based Outpatient Clinic, Administrative and Conservation Offices, Columbarium, and associated Parking Lot to be constructed by VA on the Alameda Point VA BRAC site ("VA Property"); and

WHEREAS, assignment and recordation of required easements on, in, over and under Lands of the City and Lands of the Navy, together, is necessary in order to design and extend new EBMID water service in Main Street and W. Redline Avenue to VA Property within the Northwest Territories Planning Area at Alameda Point, the location of required easements and assignment of easements is shown illustratively in Exhibit 1 to this Resolution.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Alameda that the City Manager is authorized to execute a Grant of Easement over Lands of the City; and an Amended and Restated Partial Assignment of Non-Exclusive Easement and Grant of Non-Exclusive Easement over Lands of the Navy; together, by and between the

City of Alameda and East Bay Municipal Utilities District; and any and all ancillary documents.

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I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the 20th day of September 2022, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said City this 21th day of September 2022.

\_\_\_\_\_  
Lara Weisiger, City Clerk  
City of Alameda

APPROVED AS TO FORM:

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Yibin Shen, City Attorney  
City of Alameda