

CITY OF ALAMEDA ORDINANCE NO. ____
New Series

AN UNCODIFIED ORDINANCE AUTHORIZING (1) THE TRANSFER OF 0.65 ACRES OF CITY PROPERTY TO THE ALAMEDA UNIFIED SCHOOL DISTRICT, (2) THE GRANTING OF A RECIPROCAL EASEMENT ON CITY PROPERTY FROM THE CITY TO THE ALAMEDA UNIFIED SCHOOL DISTRICT FOR PUBLIC ACCESS, PUBLIC PARKING AND USE PURPOSES ON A 24/7 BASIS, (3) ACCEPTING A RECIPROCAL EASEMENT FROM THE ALAMEDA UNIFIED SCHOOL DISTRICT FOR PUBLIC ACCESS, PUBLIC PARKING AND USE PURPOSES ON A 24/7 BASIS, AND (4) THE CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS IN CONNECTION THEREWITH TO FACILITATE THE RENOVATION AND REBUILD OF WOOD MIDDLE SCHOOL

Whereas, the City of Alameda owns real property located at the southeast corner of Otis Drive and Grand Street, which property is 0.65 acres (208,748 square feet), of which 180,234 square feet (4.14 acres) has been developed as Rittler Park; and

Whereas, the Alameda Unified School District (AUSD) owns real property adjacent to the aforementioned City property on which the AUSD had constructed Wood Middle School; and

Whereas, over time and inadvertently, the AUSD has constructed on 28,428 square feet of the City property School related facilities; and

Whereas, AUSD intends to renovate Wood Middle School and to construct vehicle access from Otis Drive to Grand Street; and

Whereas, AUSD also intends to construct a parking area along with that portion of the vehicle access from Otis Drive, which parking and access will benefit the adjacent Rittler Park as well as benefitting AUSD; and

Whereas, to help with the Wood Middle School renovation and the vehicle access to Grand Street, AUSD has requested the City to transfer to it the 0.65 acres of property the City owns at the southeast corner of Otis Drive and Grand Street (see the area colored orange on the attached exhibit 1); and

Whereas, the property requested by AUSD is adjacent to, but is not and never has been, part of Rittler Park; and

Whereas, to provide sufficient property for the public access from Otis Drive and for the public parking area, which access, parking and use would be available on a 24/7 basis and would benefit Rittler Park and AUSD, AUSD has requested the City grant it a reciprocal easement on a portion of the Rittler Park property (21,000 square feet +/-) and

AUSD would likewise grant the City a reciprocal easement on a portion of its property (15,000 square feet +/-) so that the entire easement area for public access, public parking and use would be about 70 feet wide and 460 feet in length, with a traffic circle being at the terminus of the easement (see the areas colored yellow on the attached exhibit 1); and

Whereas, the transfer of 0.65 acres to AUSD will not impact the use of Rittler Park; and

Whereas, the transfer of the City property in fee to AUSD constitutes a transfer of an interest in real property from one local agency to another local agency and is therefore not considered a disposition of surplus property subject to the State Surplus Lands Act; and

Whereas, the City's granting a reciprocal easement on the Rittler Park area will not impact its use and the combination of the reciprocal easements will provide on a 24/7 basis better public access to, and increased public parking for users of, Rittler Park, all of which are consistent with City Charter Section 22-12; and

Whereas, various easement related agreements will set forth the City's and AUSD's responsibilities as to the public access, public parking, and use of the reciprocal easements.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Alameda that:

Section 1. The City Council authorizes the transfer of 0.65 acres of City property to the Alameda Unified School District, the granting of a reciprocal easement on City property to the Alameda Unified School District for enhanced, and on a 24/7 basis, public access to and additional public parking for Rittler Park and for School facilities, and the acceptance of a reciprocal easement from the Alameda Unified School District to the City for enhanced, and on a 24/7 basis, public access to and additional public parking for the Rittler Park and School facilities.

Section 2. To carry out the purpose of this Ordinance, the City Manager of the City of Alameda is hereby authorized to execute on behalf of the City of Alameda, a Quitclaim Deed to the Alameda Unified School District, to execute on behalf of the City of Alameda a reciprocal easement to the Alameda Unified School District, to accept on behalf of the City a reciprocal easement from the Alameda Unified School District, and to execute easement related agreements and any other necessary documents as are determined necessary by the City Manager or City Engineer, and approved in final form by the City Attorney, and the City Clerk is hereby authorized and directed to attest to and record the same.

Section 3. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance.

The City Council of the City of Alameda hereby declares that it would have passed this ordinance, and each section, subsection, clause, or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases are declared to be invalid and unconstitutional.

Section 4. This Ordinance shall take effect 30 days after its final passage and adoption.

Presiding Officer of the City Council

Attest:

Lara Weisiger, City Clerk

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I, the undersigned, hereby certify that the foregoing Ordinance was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on this 5th day of December 2023, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 6th day of December 2023.

Lara Weisiger, City Clerk
City of Alameda

Approved as to form:

Yibin Shen, City Attorney
City of Alameda