

CITY OF ALAMEDA ORDINANCE NO. \_\_\_\_\_

New Series

APPROVING THE TRANSFER BY QUITCLAIM DEED OF APPROXIMATELY 0.11 ACRES OF CITY PROPERTY AT THE DEL MONTE DEVELOPMENT SITE TO ALTA BUENA VISTA OWNER, LLC, IN EXCHANGE FOR THE CLEMENT AVENUE RIGHT-OF-WAY BETWEEN ENTRANCE ROAD AND SHERMAN STREET TO THE CITY PER THE DEVELOPMENT AGREEMENT FOR THE DEL MONTE WAREHOUSE PROJECT

WHEREAS, on December 2, 2014, City Council approved the Del Monte Warehouse Master Plan and Development Agreement for the 11.06-acre property located at 1501 Buena Vista Avenue; and

WHEREAS, the Development Agreement stipulates that the transfer of the subject 0.11-acre piece of City-owned land to the Developer occur upon the City's acceptance of the offer of dedication for the Clement Avenue Extension; and

WHEREAS, the 0.11-acre parcel is a portion of the driveway serving the Del Monte project and the Littlejohn Commons Senior Housing development; and

WHEREAS, on October 18, 2016, City Council adopted Resolution 15205 approving the Final Map for Tract 8254 and accepted the offers of dedications and easements as public right of way, subject to improvement, by Alta Buena Vista Owner LLC, the Developer; and

WHEREAS, on April 1, 2019, TL Partners I LP granted an irrevocable offer of dedication to the City for a portion of Clement Avenue, Atlantic Ave, and Sherman Street for public right of way; and

WHEREAS, on April 1, 2019, North Waterfront Cove LLC granted an irrevocable offer of dedication to the City for a portion of Clement Avenue for public right of way; and

WHEREAS, the three offers of dedication together form the Clement Extension per the Development Agreement; and

WHEREAS, on July 12, 2023, the Developer provided correspondence to the City formally requesting implementation of Section 7(c) of the Development Agreement to initiate the property exchange; and

WHEREAS, on September 5, 2023, the City Council accepted the public improvements associated with the extension of Clement Avenue; and

WHEREAS, by the staff report, testimony, and documentary evidence presented at the September 5, 2023 City Council meeting, the City Council has been provided with

additional information upon which the findings and actions set forth in this Ordinance are based.

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

Section 1. By the passage of this Ordinance, this City Council hereby authorizes the City Manager, or designee, to accept the Clement Extension as City right of way; and authorizes the City Manager, or designee, to execute a quitclaim deed to transfer the City Parcel to the Developer within 15 days of the City's acceptance of the Clement Extension.

Section 2. If any provision of this Ordinance is held by a court of competent jurisdiction to be invalid, this invalidity shall not affect other provisions of this Ordinance that can be given effect without the invalid provision and therefore the provisions of this Ordinance are severable. The City Council declares that it would have enacted each section, subsection, paragraph, subparagraph, and sentence notwithstanding the invalidity of any other section, subsection, paragraph, subparagraph or sentence.

Section 3. This Ordinance shall be in full force and effect from and after the expiration of thirty (30) days from the date of its final passage.

\_\_\_\_\_  
Presiding Officer of the City Council

Attest:

\_\_\_\_\_  
Lara Weisiger, City Clerk

\* \* \* \* \*

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 the 5<sup>th</sup> day of September 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 6<sup>th</sup> day of September 2023.

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Lara Weisiger, City Clerk  
City of Alameda

APPROVED AS TO FORM:

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Yibin Shen, City Attorney  
City of Alameda