

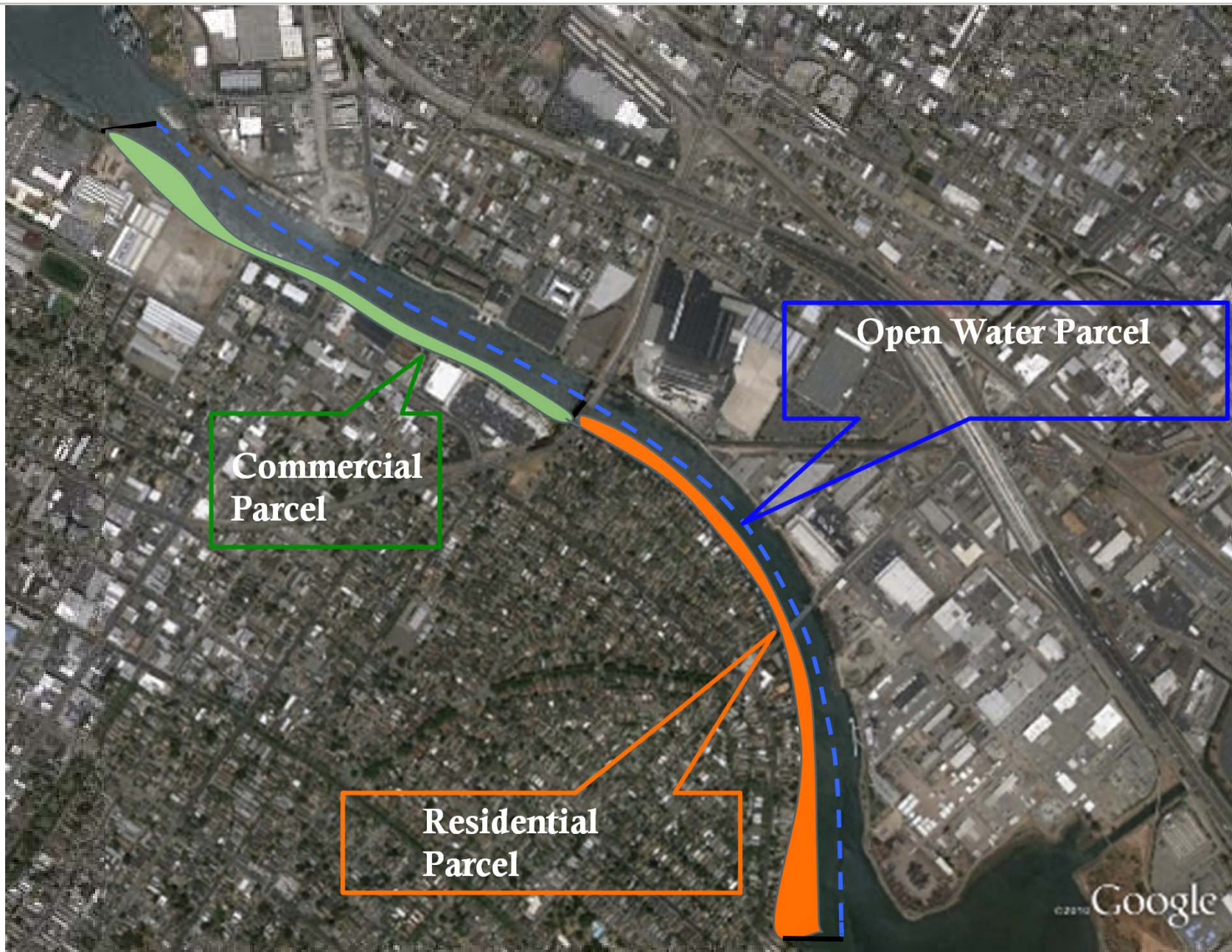


Oakland Inner Harbor
Tidal Canal
City Council Presentation
September 2015

Oakland Inner Harbor Tidal Canal (OIHTC) Presentation Agenda

Goal of Presentation: Status Update Regarding the OIHTC Transfer

- Review Action Items from April 2015
- Communications with the US Army Corps of Engineers
- Communications with the Regional Water Quality Control Board
- Communications with Residential/Commercial Property Owners
- Communications with East Bay Regional Park District
- Outstanding Issues
- Next Steps



Action Items from April 7th Meeting

- Continue negotiations with Corps re: terms of the transfer
- Reach out to partners at EBRPD
- Actively engage residential and commercial property owners
 - Legal descriptions/surveys
 - Transfer process
- Continue discussions with Regional Board re: environmental liability
- Periodic updates to City Council/public re: status of the transaction

Discussions with the US Army Corps

- **Five Monthly Meetings Held With US Army Corps and HOA Representative**
 - May 19, 2015, June 24, 2015 (Conference call), July 14, 2015, August 11, 2015, and September 10, 2015
 - Topics Covered: Corps environmental documentation (FOST), City's survey and mapping process, survey access, environmental indemnifications and schedule of transaction.
- **Outstanding Issues/Next Steps**
 - Corps to finalize Phase II Report and Environmental Assessment
 - Negotiate indemnification language and obtain consent to do survey and mapping work
 - Subdivision Map Applications

Discussions with SF Regional Water Quality Control Board

- **Meetings to Discuss Environmental Protections**
 - May 8, 2015: Regional Board staff supportive of transaction
 - August 13, 2015: Discussion with RWQCB legal re: Comfort Letter and other Agreements
- **Methods for Limiting Liability**
 1. **'Comfort Letter'** – Letter from Regional Board confirming no intent to enforce against the City
 2. **Other Avenues Explored**
 - CLRRRA – California Land Reuse and Revitalization Act Agreement
 - Prospective Purchaser Agreement
 - Both provide superior protections but statutory language limited their applicability in this situation
- **Next Steps:** Work with Regional Board on Comfort Letter 2-3 months

Discussions with Residential Property Owners

- **HOA Representative Has Attended Every Meeting with Corps**
(May, June, July and August)
- **Met with HOA Executive Committee on 8/14/15 to discuss proposed transaction, access for the surveyor and guaranty**
- **Obtained part of previous Kirkland Survey**
- **Working on an Access Agreement to Facilitate Survey Work**
- **Drafting Disclosures for Review**

Discussions with Commercial Property Owners

- **Meeting on July 9, 2015 With Owners of Dutra Property**
- **Working on Survey**
- **Drafting Disclosures for Review**
- **Continuing Discussions with All Commercial Property Owners Re: Lease or Transfer Options**

Discussions with EBRPD

- **Meetings with EBRPD on May 13, 2015 and June 18, 2015**
- **Open Water Parcel (50 yard line – 80 yard line)**
 - They are not currently interested in taking the City's side of the Open Water Parcel, but are considering the option
 - City may be asked to take Open Water Parcel
 - Staff is researching affect/liability with Open Water Parcel

Process/Timeline

- **City Process - Staff's goal is to have the transaction ready for Council's consideration before June 30, 2016 (6 - 10 Months)**
 - Survey Work – 2 - 3 months
 - Mapping – Subdivision Map Approval to allow for simultaneous transfer = 3 - 8 months
 - Prepare/execute all transactional documents/disclosures/etc.
- **Corps Process – Internal Review of FOST = 6 - 10 Months**
- **Water Board – Review and approval of Comfort Letter = 2 -3 Months**

Outstanding Issues

- Public Trust- Informal discussion with State Lands
- Environmental Liability protections - Comfort Letter
- Open Water Parcel
- Code Enforcement Review – No Fatal Flaws & Grace Period
- Discuss in Closed Session Price and Terms of Payment

Next Steps

1. **Complete Survey**– Map all ~108 properties (93 residential, 14 commercial and 1 open water parcel)
2. **Corps** – Continue monthly meetings, review/revise FOST documents
3. **RWQCB** – Negotiate Comfort Letter
4. **Property Owners**
 - Residential - Send disclosures for review, access agreements
 - Commercial - Meet with all commercial property owners
5. **EBRPD** – Confirm disposition of Open Water Parcel
6. **Public Trust** – Confirm status with State Lands staff
7. **CEQA** – Research/Confirm CEQA approach (CatEx/Neg Dec)
8. **BCDC** – Courtesy update