

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

APPROVING A GRANT OF NON-EXCLUSIVE EASEMENT AND  
AUTHORIZING THE CITY MANAGER TO EXECUTE DOCUMENTS  
NECESSARY TO IMPLEMENT THE TERMS OF GRANT OF NON-  
EXCLUSIVE EASEMENT TO ALAMEDA BOYS & GIRLS CLUB AND  
ALAMEDA UNIFIED SCHOOL DISTRICT FOR ACCESS AND  
MAINTENANCE

WHEREAS, since 1991, the City of Alameda has planned for a four mile east-west bicycling and walking corridor, referred to as the Cross Alameda Trail (CAT) in the former Alameda Beltline property, which is owned by the City; and

WHEREAS, the CAT project provides significant community, safety and environmental benefits, including reductions in greenhouse gas emissions by providing safe, convenient and comfortable walking and bicycling facilities, where almost none exist, serving children, students and commuters; and by planting additional trees; and

WHEREAS, the City has developed, with extensive public input, designs for the CAT segment between Main Street and Webster Street, along Ralph Appezzato Memorial Parkway (RAMP); and

WHEREAS, the City has successfully acquired multiple grants for this extensive project and invested City discretionary funding toward the project; and

WHEREAS, in 2014, during the design phase for the CAT project along RAMP, the City had its property surveyed to confirm the property boundary lines and found four encroachments along the corridor, including one by the Alameda Unified School District (AUSD); and

WHEREAS, AUSD owns land at 1900 Third Street, Alameda, California, and leases a portion of this land to the Alameda Boys & Girls Club; and

WHEREAS, AUSD and the Boys & Girls Club have historically used portions of City property for pedestrian and vehicular ingress to and egress from the Boys and Girls Club property; and

WHEREAS, AUSD and the Boys & Girls Club have requested a non-exclusive easement over portions of the City property for pedestrian and vehicular ingress to and egress from the Boys and Girls Club and for routine maintenance purposes; and

WHEREAS, the City would like to clarify the boundaries of the easement area and grant a non-exclusive easement in order to facilitate the design and construction of the CAT Project; and

WHEREAS, this Easement Agreement is required to allow AUSD and Boys & Girls Club to access, use and maintain the easement property in order to provide pedestrian and vehicular ingress to and egress from the Boys and Girls Club Property; and

WHEREAS, the City has determined that the grant of this easement on the terms and conditions set forth herein is in the public interest and will not substantially injure the interest of the City in the underlying real property, and that the uses permitted under its terms are consistent with the protection of human health and the environment.

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

Section 1. The City Council hereby delegates to the City Manager the authority to execute the Grant of Non-Exclusive Easement; to execute auxiliary documents and to perform any all acts necessary or desirable to consummate the agreement with AUSD and the Alameda Boys & Girls Club.

Section 2. If any portion, section, subsection, paragraph, subparagraph, sentence, clause, phrase or application of this Ordinance is 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, subsections, 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 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 on the \_\_\_\_ day of \_\_\_\_\_, 2017, 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 \_\_\_\_ day of \_\_\_\_\_, 2017.

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Janet C. Kern, City Attorney  
City of Alameda