

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

APPROVING A REAL ESTATE EXCHANGE AGREEMENT BETWEEN THE CITY OF ALAMEDA ("CITY") AND PUR ATLANTIC LLC ("PUR ATLANTIC") TO EXCHANGE APPROXIMATELY 820 SQUARE FEET OF CITY OWNED PROPERTY FOR APPROXIMATELY 2,173 SQUARE FEET OF PUR ATLANTIC OWNED PROPERTY IN ORDER TO FACILITATE CONSTRUCTION OF THE CROSS ALAMEDA TRAIL PROJECT AND AUTHORIZING THE CITY MANAGER TO EXECUTE DOCUMENTS NECESSARY TO IMPLEMENT ITS TERMS

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 Appezato 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 Atlantic Apartments; and

WHEREAS, PUR Atlantic LLC ("PUR Atlantic") is the owner of Atlantic Apartments at 1825 Poggi Street, Alameda, CA 94501; and

WHEREAS, the PUR Atlantic property and the City property are adjacent to one another and a fence separates the two properties. However, many years ago, due to inadvertence, the fence was incorrectly placed such that a portion of the PUR Atlantic property is on the City's side of the fence and a portion of the City property is on PUR Atlantic's side of the fence; and

WHEREAS, The City has historically used the PUR Atlantic area as open space and the City now has plans to design and construct the CAT Project on the City Lot; and

WHEREAS, PUR Atlantic has historically used the City area as part of its parking lot for the benefit of its apartment complex, and PUR Atlantic would like to continue its use of the City area for that purpose; and

WHEREAS, the Parties desire to exchange their respective Areas (with the City paying for certain transactional costs to adjust for the difference in value as set forth in the Real Estate Exchange Agreement), so as to transfer ownership of the City area to PUR Atlantic and the PUR Atlantic area to the City.

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 approves the Real Estate Exchange Agreement between the City of Alameda ("City") and PUR Atlantic LLC ("PUR Atlantic") to exchange approximately 820 square feet of City owned property for approximately 2,173 square feet of PUR Atlantic owned property in order to facilitate construction of the Cross Alameda Trail Project and delegates to the City Manager the authority to execute the Exchange Agreement and Quitclaim Deeds, substantially in the forms attached to the Real Estate Exchange Agreement; and to execute any and all auxiliary documents and to perform any and all acts necessary or desirable to consummate the exchange between the City and PUR Atlantic.

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.

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Presiding Officer of the City Council

Attest:

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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 the \_\_\_\_\_ day of \_\_\_\_\_, 2018, 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 \_\_\_\_\_, 2018.

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

Approved as to form:

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Janet C. Kern, City Attorney  
City of Alameda