

CITY OF ALAMEDA ORDINANCE NO. ____

New Series

AUTHORIZING THE ACTING CITY MANAGER TO: (I) GRANT AN APPROXIMATELY .67-ACRE EASEMENT TO CP VI ADMIRALS COVE, LLC, A DELAWARE LIMITED LIABILITY COMPANY ("CARMEL") FOR SOFTSCAPE IMPROVEMENTS WITHIN AN APPROXIMATELY 5.3-ACRE ROADWAY DEDICATION IN THE NORTH HOUSING SITE (GENERALLY BOUNDED BY MAIN STREET, SINGLETON AVENUE, MOSLEY AVENUE AND BETTE STREET) IN EXCHANGE FOR FEE TITLE TO APPROXIMATELY .29-ACRE PARCEL FROM CARMEL NEEDED TO COMPLETE THE SINGLETON AVENUE EXTENSION; AND (II) EXECUTE ANY AND ALL ANCILLARY DOCUMENTS AND TO PERFORM ANY AND ALL ACTS NECESSARY OR DESIRABLE TO CONSUMMATE THE TRANSACTION

WHEREAS, the U.S. Navy ("Navy") is the current owner of real property consisting of an approximately 14.87-acre parcel ("Carmel Parcel") made up of a portion of Assessor's Parcel Number ("APN") 74-905-10-2; an approximately 12.3-acre parcel ("Housing Authority Parcel") and an approximately 2.0-acre parcel ("Habitat Parcel"), made up of portions of APN 74-905-10-4 and APN 74-905-12-2, all in the northwest portion of the City, generally bounded to the south by Singleton Avenue, to the north by Mosley Avenue, to the west by Main Street and to the east by Bette Street, collectively known as the "North Housing Site"; and

WHEREAS, in 2007, the Navy declared the North Housing Site surplus property and began the process to transition the property to civilian reuse; and

WHEREAS, in February 2017, the federal General Services Administration ("GSA"), conducted a public auction for the Carmel Parcel and CP VI Admirals Cove, LLC was the successful bidder; and

WHEREAS, the Navy proposes to convey, at no cost, approximately 5.3 acres of roadways and right of way ("Roadway Parcel") to the City, consisting of the existing Singleton and Mosley Avenues in the North Housing Site; and

WHEREAS, Carmel proposes to renovate 146 existing units on the Carmel Parcel; and

WHEREAS, the 2009 Amended NAS Alameda Community Reuse Plan ("Reuse Plan") for the North Housing Site contemplated that the units would be demolished (rather than renovated) and new units would be constructed; thus triggering infrastructure obligations, including new streets built to City standards; and

WHEREAS, in 2012 the City entered into a Legally Binding Agreement (“LBA”) with the Housing Authority, Alameda Point Collaborative and Building Futures with Women and Children regarding disposition and use of the Housing Authority Parcel; and

WHEREAS, Carmel’s renovation of existing improvements do not trigger the same infrastructure obligations that would be required by new construction; and

WHEREAS, Carmel desired to enter into a Memorandum of Understanding (“MOU”) prior to taking title to the Carmel Parcel to spell out Carmel’s infrastructure obligations and responsibilities under the Reuse Plan; and

WHEREAS, on January 2, 2017, the City Council authorized the City Manager to negotiate and execute an MOU with Carmel for construction of infrastructure, to support the North Housing Site, pursuant to the Reuse Plan; and

WHEREAS, the MOU was fully executed on March 30, 2018; and

WHEREAS, the Roadway Parcel from the Navy to the City provides enough land for Singleton and Mosley Avenues to be rebuilt to City standards should the Carmel Parcel be redeveloped with new residential units in the future; and

WHEREAS, the existing Mosley and Singleton Avenues are narrower than the width of the Roadway Parcel and there are existing softscape improvements (landscaping, yard areas, etc.) that will be on City property following the Roadway Parcel conveyance from the Navy; and

WHEREAS, Carmel desires to that the existing softscape improvements remain as an amenity for its residents; and

WHEREAS, the MOU states that City staff will request that the City Council adopt an ordinance granting a .67-acre easement to Carmel within the Roadway Parcel so that the softscape improvements can remain in place and be maintained at Carmel’s expense and in exchange Carmel has agreed to convey fee title to approximately .29 acres of land in the southeast corner of its property for the Singleton Avenue extension; and

WHEREAS, pursuant to the terms of the MOU, Carmel will construct the Singleton Avenue extension on this land; and

WHEREAS, the City is authorized and empowered to enter into agreements for the acquisition and disposition of real property in the City of Alameda; and

WHEREAS, this action would not result in any new environmental impacts or more severe environmental impacts than those previously identified with the adoption of the Community Reuse Plan Environmental Impact Report (“EIR”) 2009 Addendum and the Housing Element EIR 2012 Addendum; and

WHEREAS, on April 23, 2018, the Planning Board determined the transfers of real property to implement the LBA to be in conformity with the Alameda General Plan in accordance with Government Code section 65402(a).

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Alameda ("City Council") that after hearing all qualified and interested persons and receiving and considering all relevant evidence, finds and determines as follows:

Section 1.

The City Council hereby delegates to the Acting City Manager the authority to: (i) grant an approximately .67-acre easement to CP VI Admirals Cove, LLC, a Delaware limited liability company ("CARMEL") for softscape improvements within a 5.3-acre roadway dedication in the North Housing Site (generally bounded by Main Street, Singleton Avenue, Mosley Avenue and Bette Street) in exchange for fee title to approximately .29-acre parcel from Carmel needed to complete the Singleton Avenue extension; and (ii) execute auxiliary documents and to perform any and all acts necessary or desirable to consummate the transaction.

Section 2.

If any portion, section, subsection, paragraph, subparagraph, sentence, clause, phrase or application of this Ordinance is held invalid or inapplicable by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity or applicability of any other part of this Ordinance.

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.

Mayor of the City of Alameda

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 May, 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 May, 2018.

Lara Weisiger, City Clerk
City of Alameda

APPROVED AS TO FORM:

Janet C. Kern, City Attorney
City of Alameda