

CITY OF ALAMEDA RESOLUTION NO. \_\_\_\_

DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY  
REQUIRE THE ACQUISITION OF CERTAIN REAL PROPERTY  
INTERESTS FOR A PUBLIC PROJECT AND DIRECTING THE  
FILING OF EMINENT DOMAIN PROCEEDINGS

(TILDEN WAY)

WHEREAS, it is desirable and necessary for the City of Alameda, a chartered city and municipal corporation (hereinafter the "City") to acquire certain real property, more particularly described and depicted in Exhibits 1, 2, and 3, attached hereto and incorporated herein by this reference (the "Subject Property"), for the Tilden Way/Clement Avenue Transportation Improvement Project ("Project"); and

WHEREAS, the Project will connect Clement Avenue with the Fruitvale Bridge and complete the Cross Alameda Trail by adding bicycle and other transportation improvements along the Tilden Way corridor; and

WHEREAS, the City is vested with the power of eminent domain to acquire real property by virtue of Article I, Section 19 of the Constitution of the State of California, Sections 37350.5, 37353 and 40404 of the California Government Code, Sections 1240.010 and 1240.220 of the California Code of Civil Procedure, and Section 1-2 of its Charter; and

WHEREAS, pursuant to the provisions of Section 1245.235 of the California Code of Civil Procedure, notice has been duly given to Southern Pacific and Union Pacific Railroad Corporation, a Delaware corporation, successor by merger with Southern Pacific Transportation Company, successor by merger with Southern Pacific company ("Union Pacific"), whose property is to be acquired by eminent domain and whose name and address appears on the Alameda County Equalized Assessment Roll, and the property owner has been given a reasonable opportunity to appear and be heard before the City Council; and

WHEREAS, on January 20, 2009, by Resolution Nos. 14299 and 14300, the City Council certified the Final Environmental Impact Report (EIR) for the Transportation Element of the General Plan in accordance with CEQA. The EIR analyzed the environmental and transportation impacts of the 2009 Transportation Element and included analysis of the Project. The Final EIR found that the Clement Avenue extension improves traffic circulation and levels of service in the area. No further environmental review is necessary pursuant to CEQA; and

WHEREAS, in accordance with 49 C.F.R. §1152.29(e)(2), Union Pacific has consummated the abandonment of its remaining trackage in the City of Alameda, pursuant to authority granted in the Surface Transportation Board's Decision with a Service Date of June 20, 2016; and

WHEREAS, pursuant to the provisions of Section 7267.2 of the California Government Code, the City has made an offer to the owner(s) of record to acquire the Subject Property for the amount which it has established to be just compensation therefore.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Alameda finds and determines as follows:

1. The public interest and necessity require the Project.
2. The Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
3. The taking of the real property more particularly described and depicted in Exhibits 1, 2 and 3 is necessary for the Project.
4. All environmental review required by law has been prepared and adopted.
5. The offer required by Section 7267.2 of the California Government Code has been made to the owner(s) of record of the real property.
6. The City Attorney or her duly authorized designee is hereby authorized and directed to institute and conduct to conclusion an action in eminent domain for the acquisition of the estates and interests aforesaid and to take such actions as she may deem advisable or necessary in connection therewith.
7. The City may deposit with the State Treasury the probable amount of compensation and obtain an order for prejudgment possession of the Subject Property.

BE IT FURTHER RESOLVED, that to the extent any portion of the Subject Property is presently appropriated to public use, the purpose for which the acquisition and use of the Subject Property is sought, namely for construction and operation of the Project, is a more necessary public use, as required by California Code of Civil Procedure §1240.610.

**EXHIBIT 1**  
**LEGAL DESCRIPTION**  
**PARCEL 2 (113 PM 85)**  
**APN 070-0196-042**  
**ALAMEDA, CALIFORNIA**

REAL PROPERTY SITUATE IN THE CITY OF ALAMEDA, COUNTY OF ALAMEDA,  
STATE OF CALIFORNIA DESCRIBED AS FOLLOWS:

BEING PARCEL 2 AS SAID PARCEL IS SHOWN ON PARCEL MAP NO. 2607, FILED  
IN BOOK 113 OF PARCEL MAPS AT PAGE 85, ALAMEDA COUNTY RECORDS AND  
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE SOUTHWESTERLY CORNER OF SAID PARCEL, THENCE  
ALONG THE GENERALLY NORTHWESTERLY LINE OF SAID PARCEL THE  
FOLLOWING FIVE (5) COURSES:

- 1) NORTH 34°23'57" EAST 158.18 FEET,
- 2) SOUTH 55°36'03" EAST 43.25 FEET,
- 3) NORTHEASTERLY ALONG A NON-TANGENT CURVE CONCAVE TO THE  
SOUTHEAST, WHICH A RADIAL BEARS SOUTH 16°46'17" EAST TO THE  
RADIUS POINT, HAVING A RADIUS OF 3,463.12 FEET, A CENTRAL ANGLE  
OF 01°31'58" AND AN ARC LENGTH OF 92.65 FEET,
- 4) EASTERLY ALONG A NON-TANGENT CURVE CONCAVE TO THE NORTH,  
WHICH A RADIAL BEARS NORTH 16°45'10" EAST, HAVING A RADIUS OF  
280.00 FEET, A CENTRAL ANGLE OF 27°45'10" AND AN ARC LENGTH OF  
135.63 FEET (CENTRAL ANGLE OF 27°26'03" AND AN ARC LENGTH OF  
134.07 FEET PER 113 PM 85) AND
- 5) NORTH 76°29'40" EAST 122.01 FEET;

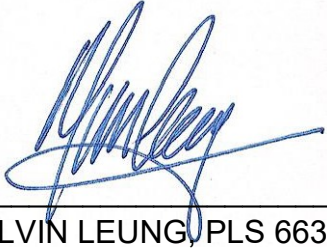
THENCE ALONG THE GENERALLY SOUTHEASTERLY LINE OF SAID PARCEL  
SOUTHWESTERLY ALONG A NON-TANGENT CURVE CONCAVE TO THE  
NORTHWEST, WHICH A RADIAL BEARS SOUTH 89°43'04" WEST TO THE RADIUS  
POINT, HAVING A RADIUS OF 52.00 FEET, A CENTRAL ANGLE OF 76°46'36" AND  
AN ARC LENGTH OF 69.68 FEET AND SOUTH 76°29'40" WEST 439.16 FEET TO  
THE **POINT OF BEGINNING**.

CONTAINING 0.623 ACRE OF LAND, MORE OR LESS.

SEE PLAT TO ACCOMPANY LEGAL DESCRIPTION WHICH IS ATTACHED HERETO  
AND MADE A PART HEREOF.

## END OF DESCRIPTION

THIS DESCRIPTION AND ITS ACCOMPANYING PLAT WERE PREPARED BY OR  
UNDER THE DIRECTION OF:

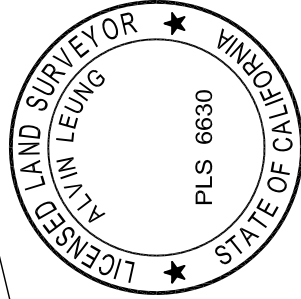
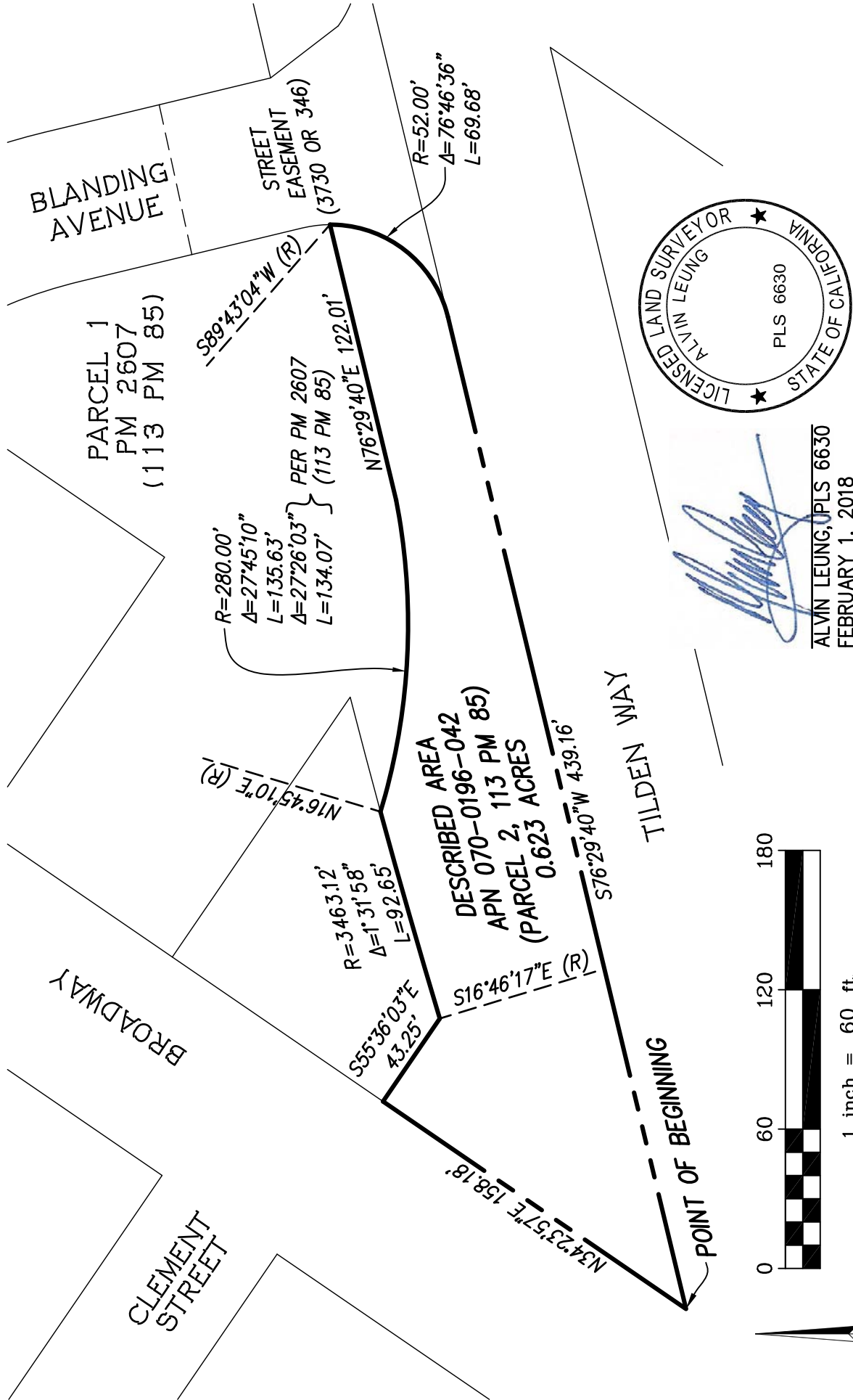


ALVIN LEUNG, PLS 6630

February 1, 2018

DATE

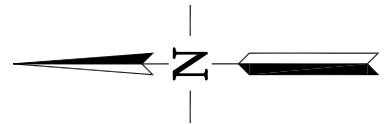




*Alvin Leung*  
ALVIN LEUNG, PLS 6630  
FEBRUARY 1, 2018



1 inch = 60 ft.



**RUGGERI-JENSEN-AZAR**  
ENGINEERS • PLANNERS • SURVEYORS  
4690 CHABOT DRIVE, SUITE 200 PLEASANTON, CA 94588  
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EXHIBIT 1  
PLAT TO ACCOMPANY LEGAL DESCRIPTION  
UPRR PROPERTY  
PARCEL 2 (113 PM 85)

ALAMEDA

CALIFORNIA

SCALE:  
1"=60'

DATE:  
02/01/2018

JOB NO.:  
121033-66

**EXHIBIT 2**  
**LEGAL DESCRIPTION**  
**PORTION OF BLANDING AVENUE**  
**ALAMEDA, CALIFORNIA**

REAL PROPERTY SITUATE IN THE CITY OF ALAMEDA, COUNTY OF ALAMEDA,  
STATE OF CALIFORNIA DESCRIBED AS FOLLOWS:

BEING THE PARCEL OF LAND DESCRIBED IN EXHIBIT A IN THE DOCUMENT  
TITLED "STREET OR HIGHWAY EASEMENT" RECORDED ON JULY 16, 1974 IN  
REEL 3730, IMAGE 346, OFFICIAL RECORDS OF ALAMEDA COUNTY AND MORE  
PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE SOUTHWESTERLY CORNER OF SAID PARCEL, THENCE  
ALONG THE EXTERIOR LINES OF SAID PARCEL THE FOLLOWING SEVEN (7)  
COURSES:

- 1) NORTHEASTERLY ALONG A NON-TANGENT CURVE CONCAVE TO THE  
NORTHWEST, WHICH A RADIAL BEARS NORTH 13°30'20" WEST TO THE  
RADIUS POINT, HAVING A RADIUS OF 52.00 FEET, A CENTRAL ANGLE  
OF 90°00'00" AND AN ARC LENGTH OF 81.68 FEET,
- 2) NORTH 13°30'20" WEST 48.96 FEET,
- 3) NORTH 77°41'00" EAST 66.01 FEET,
- 4) SOUTH 13°30'20" EAST 49.36 FEET,
- 5) SOUTH 37°33'41" EAST 36.79 FEET,
- 6) SOUTHEASTERLY ALONG A NON-TANGENT CURVE CONCAVE TO THE  
NORTHEAST, WHICH A RADIAL BEARS NORTH 35°42'38" EAST TO THE  
RADIUS POINT, HAVING A RADIUS OF 48.00 FEET, A CENTRAL ANGLE  
OF 49°12'58" AND AN ARC LENGTH OF 41.23 FEET AND
- 7) SOUTH 76°29'40" WEST 169.34 FEET

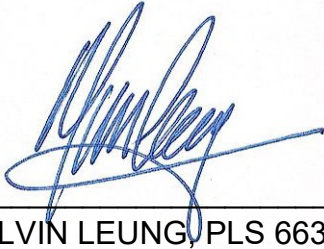
TO THE **POINT OF BEGINNING**.

CONTAINING 0.181 ACRE OF LAND, MORE OR LESS.

SEE PLAT TO ACCOMPANY LEGAL DESCRIPTION WHICH IS ATTACHED HERETO  
AND MADE A PART HEREOF.

**END OF DESCRIPTION**

THIS DESCRIPTION AND ITS ACCOMPANYING PLAT WERE PREPARED BY OR  
UNDER THE DIRECTION OF:

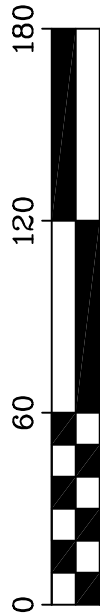
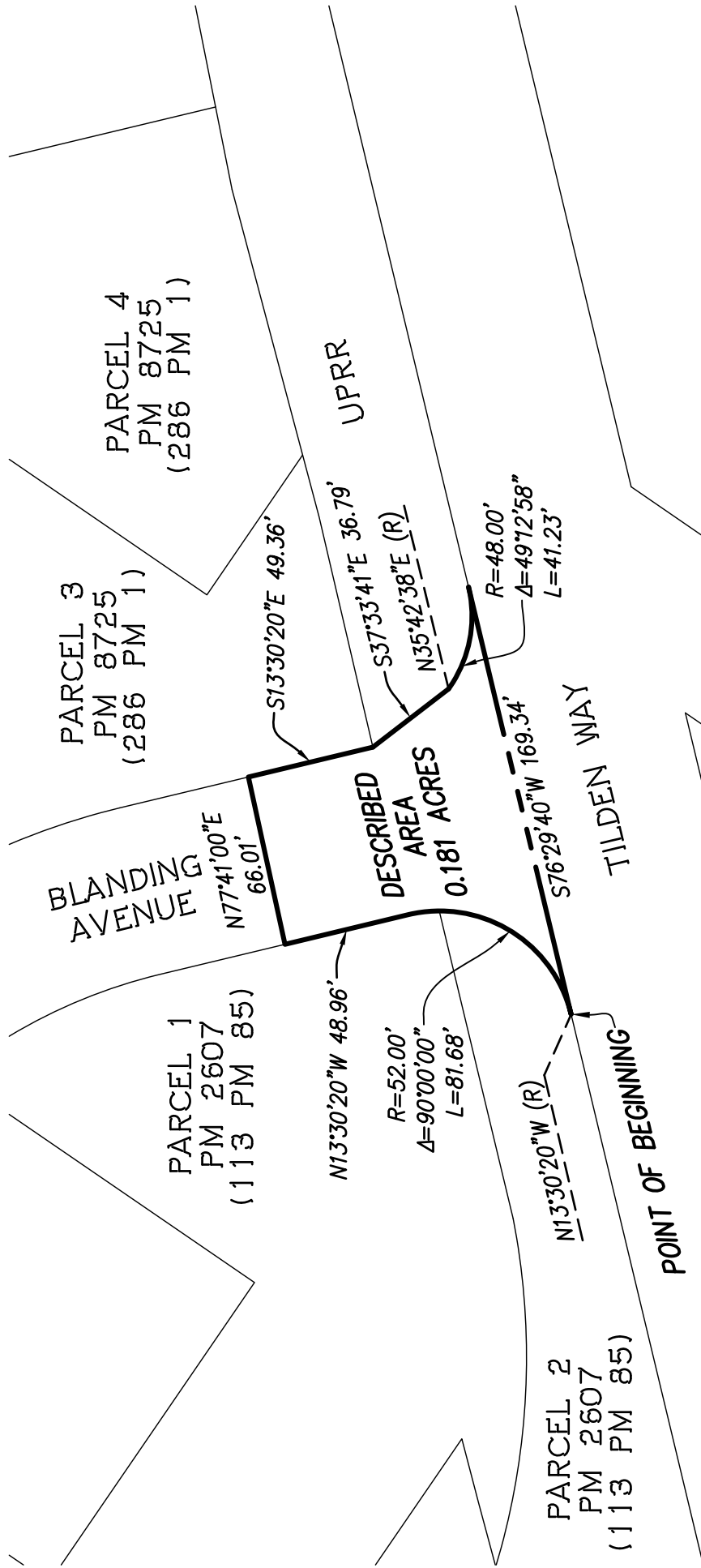


ALVIN LEUNG, PLS 6630

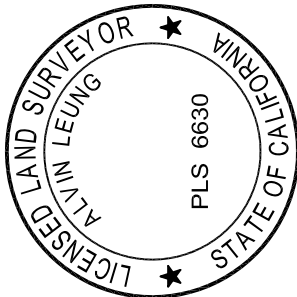
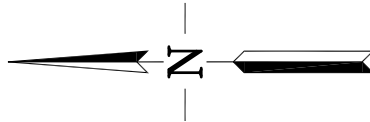
February 1, 2018

DATE





1 inch = 60 ft.



*Alvin Leung*  
ALVIN LEUNG, PLS 6630  
FEBRUARY 1, 2018



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**EXHIBIT 2**  
**PLAT TO ACCOMPANY LEGAL DESCRIPTION**  
**UPRR PROPERTY**  
**BLANDING AVENUE**

ALAMEDA

CALIFORNIA

SCALE:  
1"=60'

DATE:  
02/01/2018

JOB NO.:  
121033-66



**EXHIBIT 3**  
**LEGAL DESCRIPTION**  
**APN 070-0196-027-2**  
**ALAMEDA, CALIFORNIA**

REAL PROPERTY SITUATE IN THE CITY OF ALAMEDA, COUNTY OF ALAMEDA, STATE OF CALIFORNIA DESCRIBED AS FOLLOWS:

BEING THE LANDS BOUNDED ON THE NORTHWEST BY THE SOUTHEASTERLY BOUNDARY OF THE TRACT OF LAND SHOWN ON PARCEL MAP 8725, FILED ON NOVEMBER 10, 2005 IN BOOK 286 OF PARCEL MAPS AT PAGE 1, ALAMEDA COUNTY RECORDS; ON THE NORTHEAST BY THE SOUTHWESTERLY LINE OF THE OAKLAND INNER HARBOR TIDAL CANAL AS SAID CANAL IS SHOWN RECORD OF SURVEY R/S NO. 1245, FILED ON JULY 14, 1994 IN BOOK 18 OF RECORDS OF SURVEY AT PAGE 63, ALAMEDA COUNTY RECORDS; ON THE SOUTHEAST BY NORTHWESTERLY LINE OF TILDEN WAY; AND ON THE SOUTHWEST BY THE NORTHEASTERLY LINE OF BLANDING AVENUE AS SAID AVENUE IS DESCRIBED IN THE DOCUMENT TITLED "STREET OR HIGHWAY EASEMENT" RECORDED ON JULY 16, 1974 IN REEL 3730, IMAGE 346, OFFICIAL RECORDS OF ALAMEDA COUNTY AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE SOUTHWESTERLY CORNER OF PARCEL 3, AS SAID PARCEL IS SHOWN ON SAID PARCEL MAP 8725; THENCE ALONG SAID SOUTHEASTERLY BOUNDARY OF THE TRACT OF LAND SHOWN ON SAID PARCEL MAP 8725 THE FOLLOWING SIX (6) COURSES:

- 1) NORTH 76°50'51" EAST 90.94 FEET,
- 2) NORTH 75°05'31" EAST 130.71 FEET,
- 3) NORTH 78°43'55" EAST 235.68 FEET,
- 4) NORTHEASTERLY ALONG A NON-TANGENT CURVE CONCAVE TO THE NORTHWEST, WHICH A RADIAL BEARS NORTH 13°32'45" WEST TO THE RADIUS POINT, HAVING A RADIUS OF 305.94 FEET, A CENTRAL ANGLE OF 24°15'28" AND AN ARC LENGTH OF 129.53 FEET,
- 5) NORTH 34°27'26" EAST 42.20 FEET AND
- 6) NORTH 28°55'22" EAST 56.20 FEET

TO SAID SOUTHWESTERLY LINE OF THE OAKLAND INNER HARBOR TIDAL CANAL; THENCE ALONG LAST SAID LINE SOUTH 60°13'14" EAST 64.73 FEET TO SAID NORTHWESTERLY LINE OF TILDEN WAY; THENCE ALONG LAST SAID LINE


SOUTHWESTERLY ALONG A NON-TANGENT CURVE CONCAVE TO THE NORTHWEST, WHICH A RADIAL BEARS NORTH 52°35'40" WEST TO THE RADIUS POINT, HAVING A RADIUS OF 429.54 FEET, A CENTRAL ANGLE OF 39°05'20" AND AN ARC LENGTH OF 293.04 FEET AND SOUTH 76°29'40" WEST 376.99 FEET TO SAID NORTHEASTERLY LINE OF BLANDING AVENUE; THENCE ALONG LAST SAID LINE ALONG A TANGENT CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 48.00 FEET, A CENTRAL ANGLE OF 49°12'58" AND AN ARC LENGTH OF 41.23 FEET AND NORTH 37°33'41" WEST 36.79 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 0.759 ACRE OF LAND, MORE OR LESS.

SEE PLAT TO ACCOMPANY LEGAL DESCRIPTION WHICH IS ATTACHED HERETO AND MADE A PART HEREOF.

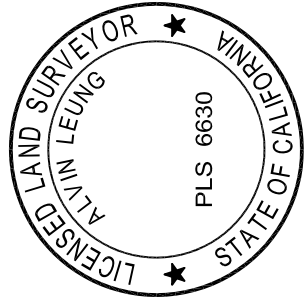
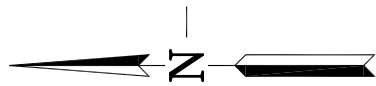
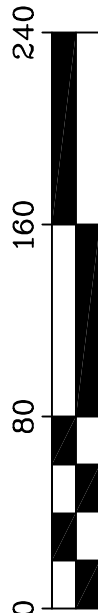
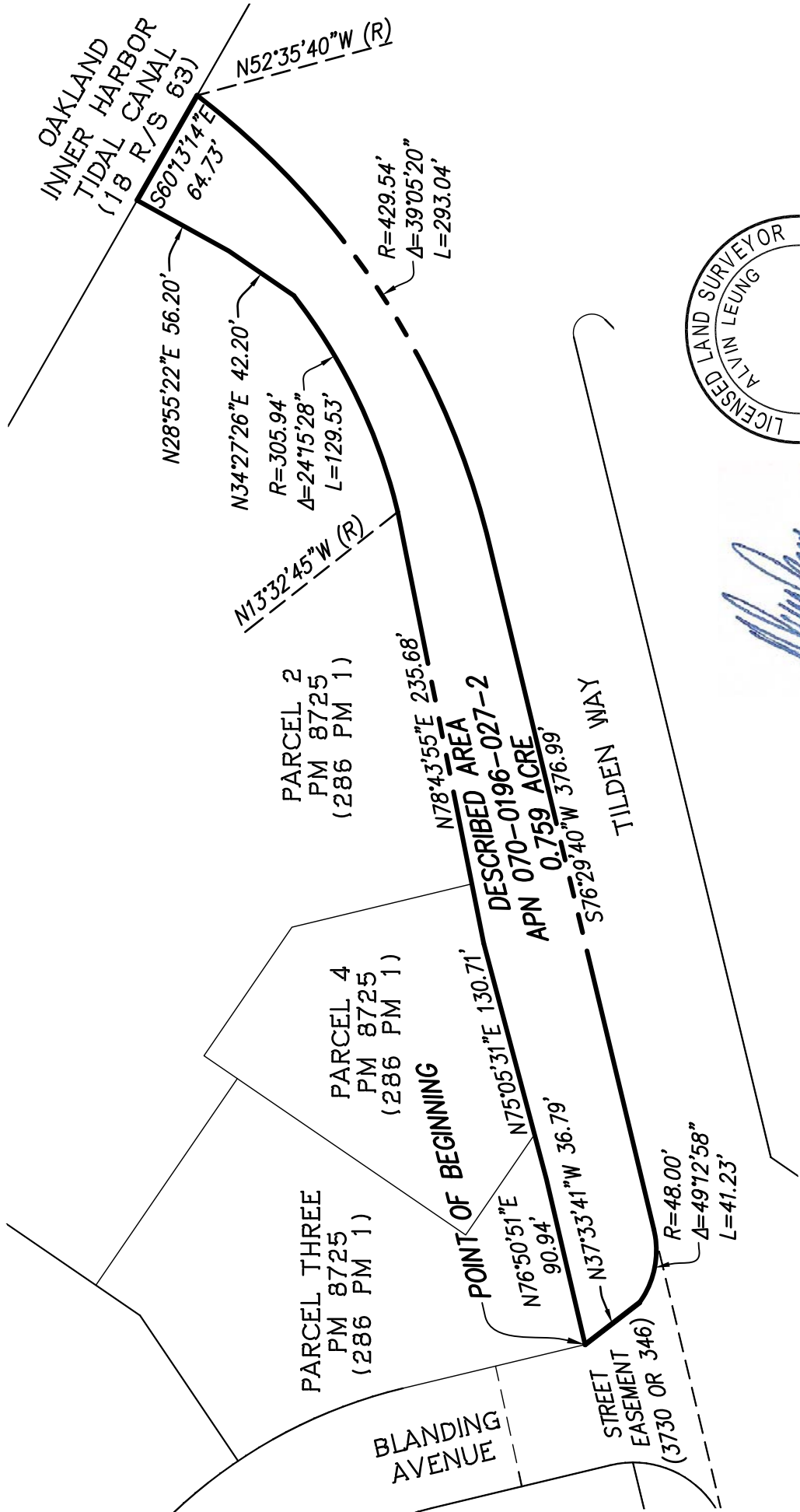
### END OF DESCRIPTION

THIS DESCRIPTION AND ITS ACCOMPANYING PLAT WERE PREPARED BY OR UNDER THE DIRECTION OF:

  
\_\_\_\_\_  
ALVIN LEUNG, PLS 6630      February 1, 2018  
DATE



G:\JOB2012\121033\SURVEY\66 - UNION PACIFIC RR AT TILDEN WAY\PLATS FOR LEGALS\APN 070-0196-027-2.DWG 1/31/2018 5:13:17 PM ALVIN LEUNG



*[Signature]*  
ALVIN LEUNG, PLS 6630  
FEBRUARY 1, 2018

**RJA**  
**RUGGERI-JENSEN-AZAR**  
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**EXHIBIT 3**  
**PLAT TO ACCOMPANY LEGAL DESCRIPTION**  
**UPRR PROPERTY**  
**APN 070-0196-027-2**

**SCALE:**  
1"=80'

**DATE:**  
02/01/2018

**JOB NO.:**  
121033-66

**ALAMEDA** **CALIFORNIA**

\* \* \* \* \*

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City Alameda in a regular meeting assembled on the 4th day of September 2018, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said City this 5th day of September 2018.

---

Lara Weisiger, City Clerk  
City of Alameda

APPROVED AS TO FORM:

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Janet C. Kern, City Attorney  
City of Alameda