

**CALENDAR ITEM
C85**

A	18	06/21/13
S	9	AD 511 E. Milstein

CONSIDER AUTHORIZING THE TRANSFER OF A PARCEL OF LAND, KNOWN AS PARCEL E, IN THE FORMER OAKLAND ARMY BASE FROM THE OAKLAND REDEVELOPMENT SUCCESSOR AGENCY (ORSA) TO THE CITY OF OAKLAND, SUBJECT TO THE PUBLIC TRUST, PURSUANT TO THE OAKLAND ARMY BASE TITLE SETTLEMENT AND EXCHANGE AGREEMENT, DATED JUNE 30, 2006, AND CHAPTER 664, STATUTES OF 2005, CITY OF OAKLAND, COUNTY OF ALAMEDA

PARTIES:

City of Oakland
Oakland Redevelopment Successor Agency
State of California, acting by and through the State Lands Commission

PROPOSED AUTHORIZATION:

The Legislature enacted Chapter 664, Statutes of 2005 (the "Exchange Act") to authorize a settlement and exchange of land at the Oakland Army Base. At the April 17, 2006 meeting, the State of California ("State"), acting by and through the California State Lands Commission ("Commission") approved entering a settlement agreement ("Agreement") with the City of Oakland ("City"), the Oakland Base Reuse Authority, and the Oakland Redevelopment Agency ("ORA") to settle sovereign land title issues at the former Oakland Army Base. This agreement was executed by the Governor on June 30, 2006, and duly recorded.

Section 6(a) of the Exchange Act requires the approval of the Commission prior to any conveyance of trust property at the Army Base between authorized trustees, which approval shall not be unreasonably withheld. The Oakland Redevelopment Successor Agency ("ORSA") is requesting approval for the transfer of a parcel of land identified as Parcel E of the Agreement to the City.

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BACKGROUND:

One component of the agreement was the transfer of Parcel E, which was impressed with the public trust and conveyed to the ORA pursuant to the Agreement.

On February 1, 2012, pursuant to Chapter 5 of the Statutes of 2011, First Extraordinary Session 2011-12 (Assembly Bill 26, or AB 26), ORA was dissolved. Because the City opted to be the successor agency to ORA, the City had understood, based on the terms of AB 26, that ORA's assets, including Parcel E, would be automatically transferred to the City by operation of law.

The question of succession changed on June 27, 2012, when AB 1484 was signed into law. AB 1484 amended AB 26 and declared that successor agencies were separate legal entities distinct from the city or county that formed them. In accordance with the new law, on July 17, 2012, the City established ORSA by Resolution No. 2012-0002. By operation of law, ORSA, as successor to ORA, became the owner of Parcel E.

As a successor agency, ORSA is required under AB 1484 to adopt a long-range property management plan (LRPMP) for the Oakland Army Base. The proposed LRPMP for the Oakland Army Base provides that Parcel E will be transferred by quitclaim to the City. ORSA is seeking Commission approval to make this transfer.

ANALYSIS AND STAFF RECOMMENDATION:

Commission staff and the Office of the Attorney General have reviewed the information supporting the proposed transfer of Parcel E and believes that the changes in California law regarding redevelopment agencies did in fact require the transfer of Parcel E from ORA to ORSA and that Commission approval is now required for the subsequent transfer of Parcel E from ORSA to the City. Staff recommends approval of the transfer of Parcel E from ORSA to the City of Oakland. The Office of the Attorney General concurs in this recommendation.

The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a statutorily exempt project. The project is exempt because it involves settlement of title and boundary problems.

Authority: Public Resources Code section 21080.11 and California Code of Regulations, Title 14, section 15282, subdivision (f).

CALENDAR ITEM NO. **C85** (CONT'D)

EXHIBIT:

A. Map of Parcel E

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDINGS:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a statutorily exempt project pursuant to Public Resources Code section 21080.11 and California Code of Regulations, Title 14, section 15282, subdivision (f), settlement of title and boundary problems and to exchanges or leases in connection with those settlements.


AUTHORIZATION:

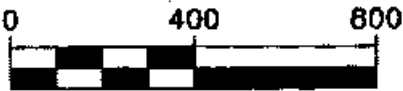
Authorize the staff of the Commission and/or the Office of the California Attorney General to take all necessary or appropriate action on behalf of the California State Lands Commission as may be necessary or convenient to effectuate the transfer of Parcel E from ORSA to the City of Oakland, subject to the public trust.

NOTE

BEARINGS AND DISTANCES ARE BASED ON RECORD OF SURVEY NO. 990. ALL DISTANCES SHOWN OR DERIVED FROM THIS DRAWING ARE GRID. TO OBTAIN GROUND LEVEL DISTANCES MULTIPLY BY 1.0000705.

LEGEND

 LEASE LIMITS



(IN FEET)
1 inch = 400 ft.

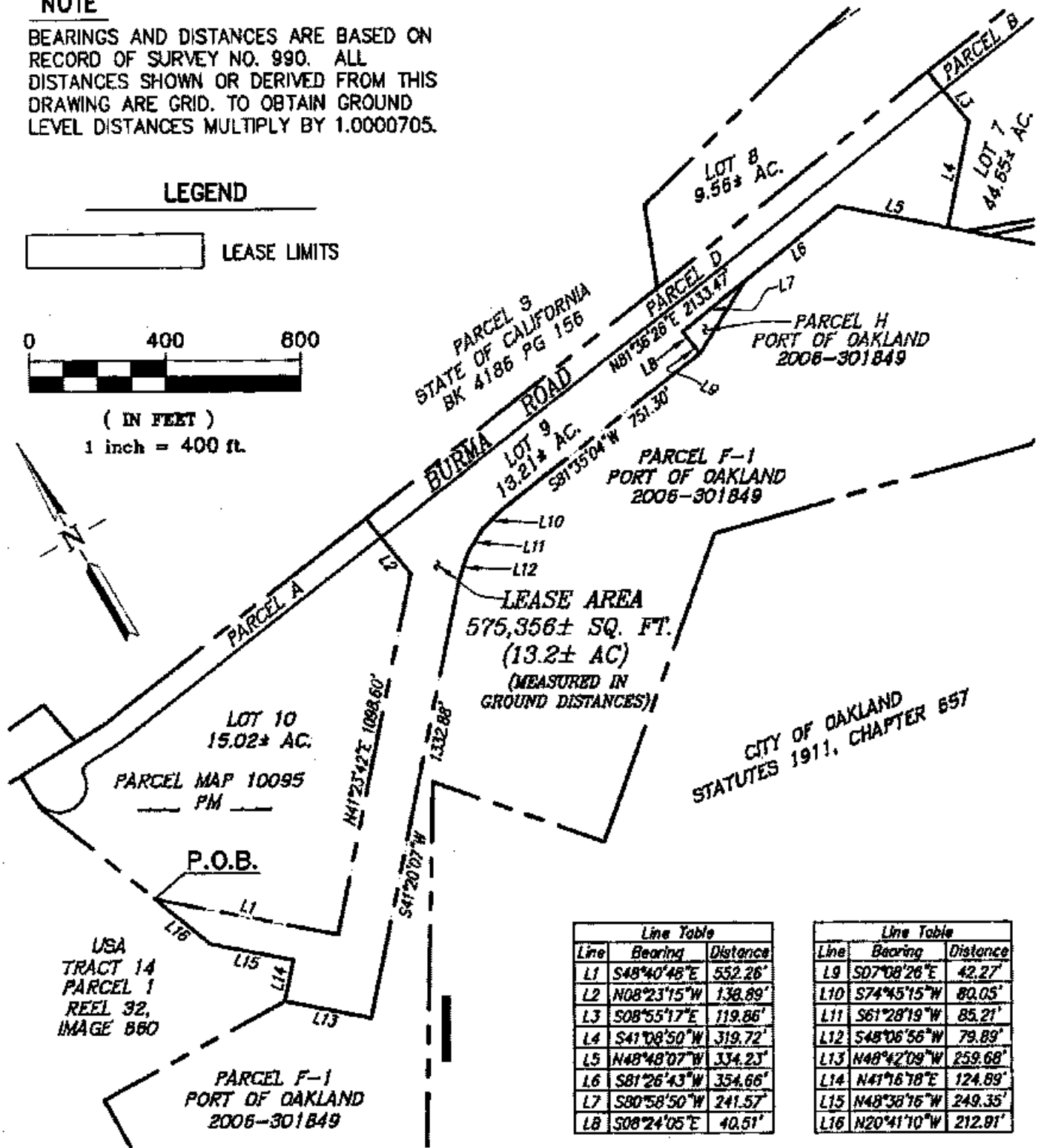
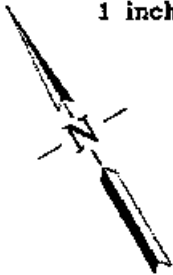


EXHIBIT A

PARCEL E - TIDELANDS TRUST

WEST GATEWAY

LEASE LIMITS

CITY OF OAKLAND, ALAMEDA COUNTY, CALIFORNIA

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RUGGERI-JENSEN-AZAR

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SCALE:
1"=400'

DATE:
6-15-2012

JOB NO.:
111069