

**PERALTA COMMUNITY COLLEGE DISTRICT**  
**Board of Trustees Agenda Report**  
**For the Trustee Meeting Date of April 8, 2008**

**ITEM #17**

**ITEM TITLE:**

Consider Approval of Resolution 07/08-42, Approval to Enter into a Ground Lease with the City of Oakland for the Channel Park

**SPECIFIC BOARD ACTION REQUESTED:**

Approval of this resolution will authorize the Chancellor to enter into a Ground Lease with the City of Oakland for the Channel Park along the Lake Merritt Channel.

**ITEM SUMMARY:**

The term of the lease is 25 years, until November 1, 2033, at a minimum rent of \$1 per year. This is a renewal of the current Long Term Right of Entry Agreement between the District and the City of Oakland for a public park and sculpture garden along the Lake Merritt Channel. The City plans a Channel Park Improvements Project, which will be beneficial to District students, faculty and staff, City residents and the general public. The City has made presentations to the Board Facilities Committee as well as Laney faculty, students, staff and other stakeholders to discuss the project and answer questions.

**BACKGROUND/ANALYSIS:**

The Lake Merritt Channel is a narrow waterway that connects Lake Merritt with the Estuary and San Francisco Bay. City of Oakland Measure DD projects along the Channel are intended to improve water flow, provide small boat passage, enhance bicycle and pedestrian access, restore wetlands, and make other Channel and shoreline improvements. Planned major projects include replacement of the restrictive culverts at 10<sup>th</sup> Street with a clear-spanning bridge and construction of a gated by-pass channel around the 7<sup>th</sup> Street Flood Control Station.

At the Board Facilities & Land Use Committee meeting of January 11, 2008, representatives from the City of Oakland gave a presentation on the Lake Merritt Channel Measure DD Improvement Project. The presentation included information about the City's improvement plans for the 12<sup>th</sup> Street new bridges, 10<sup>th</sup> Street existing culverts and 7<sup>th</sup> Street flood control station.

On March 19, 2008 the District and the City of Oakland held a public forum at Laney College to discuss the Lake Merritt Channel Improvement Project and its impact on the District property. This forum (the second meeting within a year) was designed to be a follow-up project update and question-and-answer session.

**ALTERNATIVES/OPTIONS:**

Not applicable.

**EVALUATION AND RECOMMENDED ACTION:**

Approval of this resolution, which will authorize the Chancellor to enter into a Ground Lease with the City of Oakland for the Channel Park along the Lake Merritt Channel, is recommended.

**SOURCE OF FUNDS (AND FISCAL/BUDGETARY IMPACT):**

Not applicable.

OTHER DEPARTMENTS IMPACTED BY THIS ACTION (E.G. INFORMATION TECHNOLOGY):

YES \_\_\_\_\_ No  X

**COMMENTS:**

No additional comments.

**WHO WILL BE PRESENTING THIS ITEM AT THE BOARD MEETING?**

Vice Chancellor Ikhara and the City of Oakland.

**DID A BOARD STANDING COMMITTEE APPROVE THE ITEM?** YES  X  NO \_\_\_\_\_

IF "YES", PLEASE INCLUDE THAT INFORMATION IN YOUR SUMMARY.

**PLEASE ACQUIRE SIGNATURES IN THIS ORDER:**

**DOCUMENT PREPARED BY:**

Prepared by:  Sadiq B. Ikhara

Date:  April 8, 2008

Dr. Sadiq B. Ikhara  
Vice Chancellor of General Services

**DOCUMENT PRESENTED BY:**

Sadiq B. Ikhara

Date:  April 8, 2008

Dr. Sadiq B. Ikhara, Vice Chancellor of General Services

**FINANCE DEPARTMENT REVIEW**

\_\_\_\_\_ Finance review required  X  Finance review *not* required

If Finance review is required, determination is: \_\_\_\_\_ Approved \_\_\_\_\_ Not Approved

If not approved, please give reason: \_\_\_\_\_

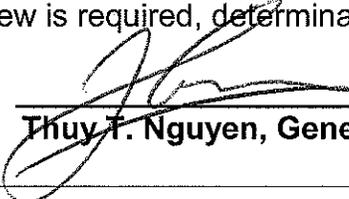
Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Thomas Smith, Vice Chancellor for Finance and Administration

**GENERAL COUNSEL (Legality and Format/adherence to Education Codes):**

Legal review required       Legal review *not* required

If Legal review is required, determination is:       Approved       Not Approved

Signature:  \_\_\_\_\_ Date: 4/3/08  
Thuy T. Nguyen, General Counsel

**CHANCELLOR'S OFFICE APPROVAL**

Approved, and Place on Agenda       Not Approved,  
but Place on Agenda

Signature:  \_\_\_\_\_ Date: 4/3/08  
Elihu Harris, Chancellor

**PERALTA COMMUNITY COLLEGE DISTRICT**  
**Resolution 07/08-42**  
**INTENT TO ENTER INTO A GROUND LEASE WITH THE CITY OF OAKLAND FOR**  
**THE CHANNEL PARK**

WHEREAS, the City of Oakland desires to lease the Channel Park property from the District to make improvements along the Lake Merritt Channel and for recreational purposes; and

WHEREAS, the proposed City of Oakland Measure DD projects are intended to improve tidal exchange into Lake Merritt to improve water quality, improve wetland habitat, improve pedestrian and bicycle connectivity between Lake Merritt and the Waterfront Bay Trail, improve small boat access, and make other channel and shoreline improvements that will benefit District students, faculty and staff, City residents and the general public; and

WHEREAS, the proposed lease is a continuation of an existing twenty-five year Long-Term Right of Entry Agreement (since 1984) between the District and the City of Oakland for a Public Park and Sculpture Garden along the Lake Merritt Channel; and

WHEREAS, a presentation was made to the Board Facilities and Land Use Committee on January 11, 2008, and a public forum was held at Laney College on March 19, 2008 by the District and the City of Oakland on the Lake Merritt Channel Project.

NOW THEREFORE BE IT RESOLVED that the District desires to enter into a lease with the City of Oakland for the Channel Park property for a term of twenty-five years ending on November 1, 2033, for an annual rent of One Dollar (\$1) for each year during the term of the lease.

BE IT FURTHER RESOLVED that the Secretary of this Board is hereby authorized to execute the Ground Lease Between the District and the City of Oakland Regarding the City of Oakland Channel Park on file with this Board.

PASSED AND ADOPTED by the following called vote this 8th day of April, 2008:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Secretary of the Board of Trustees  
Peralta Community College District  
Alameda County  
State of California