

**PERALTA COMMUNITY COLLEGE DISTRICT
RESOLUTION NO. 07/08-58**

ORDER TO DEDICATE REAL PROPERTY

WHEREAS, the City of Alameda ("City") has approved the improvement and widening of an existing segment of roadway, currently named "Wilver 'Willie' Stargell Avenue," which was formerly known as "Tinker Avenue," ("Stargell Avenue") and its extension as an arterial four-lane roadway between Main Street and Webster Street ("Stargell Extension Project"); and

WHEREAS, a portion of the proposed roadway for Stargell Extension Project is located on real property which is part of the College of Alameda campus ("College") and owned by the Peralta Community College District ("District") and which is more particularly depicted on Attachment "A" hereto ("College ROW Property"); and

WHEREAS, the City also requires, for the implementation of the Stargell Extension Project, an easement on real property owned by the District along the west side of Webster Street and adjacent to the College ROW Property as more particularly depicted on Attachment "A" hereto ("College Landscaping Easement Property") for the purposes of street, lighting, drainage and landscaping for Webster Street ("Landscaping Easement"); and

WHEREAS, the City also requires a temporary construction easement for the construction of the Stargell Extension Project ("Temporary Construction Easement") over certain real property owned by the District located adjacent to the College ROW Property as more particularly depicted on Attachment "A" hereto ("College TCE Property"); and

WHEREAS, the City also requires a right of entry to repair and/or relocate utilities, landscaping, irrigation and lighting and to conduct surveys and related activities in connection with the construction of the Stargell Extension Project ("Right of Entry") over certain real property owned by the District located adjacent to the College ROW Property as more particularly depicted on Attachment "A" hereto ("College ROE Property"); and

WHEREAS, the City has requested that the District dedicate, to the City for the implementation of the Stargell Extension Project, the following real property interests ("Real Property Interests"): (1) fee title to the College ROW Property, (2) the Landscaping Easement over the College Landscaping Easement Property, (3) the Temporary Construction Easement over the College TCE Property, and (4) the Right of Entry over the College ROE Property upon the terms set forth in the Right of Way Contract set forth in Attachment "B" to this Resolution and pursuant to, and substantially in the form of, the Deed of Dedication attached as Attachment "C" to this Resolution; and

WHEREAS, the Peralta Community College District Board of Trustees ("Board") finds that the Stargell Extension Project will benefit the College by improving vehicular, bicycle and pedestrian access to the College, improve the lighting and security of the College along Stargell Avenue and improving traffic and circulation to the College; and

WHEREAS, the City has made the finding that the dedication conforms with the City's General Plan as required by Government Code Section 65402; and

WHEREAS, the Board adopted, in a regular open meeting by a unanimous vote of all its members, a Resolution of Intent to Dedicate (Resolution No. 07/08-44), which described the Real Property Interests proposed to be dedicated, the Board's intent to consider the question of dedicating the Real Property Interests, the purposes for and the terms upon which it will be dedicated, and fixed the time and date for a public meeting to consider the question of making the dedication; and

WHEREAS, the Board has considered the question of making the dedication of the Real Property Interests to the City and hereby approves such dedication; and

WHEREAS, in conjunction with the Board's decision to adopt this Resolution of Order to Dedicate Real Property, the Board, as a Responsible Agency has adopted under Resolution No. 07/08-51 certain findings as required under the California Environmental Quality Act, Public Resources Code, Division 13, Sections 21000 *et seq.*

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts this Order to Dedicate the Real Property Interests to the City; and

BE IT FURTHER RESOLVED that the Secretary of this Board be and he is authorized and directed to execute the Right of Way Contract and the Deed of Dedication of the Real Property Interests and to deliver it to escrow created pursuant to the Right of Way Contract, and upon the satisfaction of conditions precedent to the closing of the transactions set forth in the Right of Way Contract, deliver it to the City upon terms and conditions which the Secretary deems necessary. The time within which judicial review of this decision pursuant to California Code of Civil Procedure Section 1094.5 must be sought is governed by the California Code of Civil Procedure Section 1094.6.

PASSED AND ADOPTED at a regular meeting of the Board of Trustees of the Peralta Community College District held on this 24th day of June, 2008, by the following called vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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

ATTACHMENT "A"

SITE PLAN DEPICTING REAL PROPERTY INTERESTS

ATTACHMENT "B"

RIGHT OF WAY CONTRACT

ATTACHMENT "C"

FORM OF DEED OF DEDICATION