

RESOLUTION NO. 19-_____

Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into An Easement Agreement With LBA RIV-Company XII, LLC To Construct, Operate, And Maintain A Stormwater Treatment Facility Relating To Improvements To The Property At 3100 San Pablo Avenue

WHEREAS, City owns certain property between Folger Avenue and 67th Street within the City's Greenway identified as Alameda County APN 49-1513-010, as more particularly described within the Easement Agreement as Exhibit A, attached hereto; and

WHEREAS, LBA RIV-Company XII, LLC ("Grantee") owns that certain property adjacent to the City Property in the Cities of Berkeley, Oakland and Emeryville known as 3100 San Pablo Avenue, as more particularly described in Exhibit B attached hereto; and

WHEREAS, on April 16, 2013, the City Council of the City of Emeryville approved (Resolution No. 13-63) a Memorandum of Understanding regarding the Cities' consideration of planning and building applications related to Grantee's development plans for the property, including a Stormwater Treatment Facility ("SWTF"); and

WHEREAS, the Cities of Berkeley and Emeryville and Grantee intend to enter into a Stormwater Treatment Measures Maintenance Agreement with respect to the Grantee's development of the Grantee Property; and

WHEREAS, the portion of the SWTF on City property conveys stormwater flows from the Grantee Property and the City of Berkeley, including the adjacent Greenway on property of the City of Berkeley; now, therefore, be it

RESOLVED, by the City Council of The City of Emeryville that the City Manager is authorized to enter into an Easement Agreement, in the form attached hereto as Exhibit A, with LBA RIV-Company XII, LLC for access to construct, operate, and maintain a SWTF relating to improvements to the Property At 3100 San Pablo Avenue.


ADOPTED, by the City Council of the City of Emeryville at a regular meeting held Tuesday, July 23, 2019, by the following vote:

AYES: _____
NOES: _____
ABSTAIN: _____
ABSENT: _____

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY