

RESOLUTION NO. 21-_____

Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Enter Into An Easement Agreement With Foundry31 (DE) LLC To Construct, Operate, And Maintain A Pedestrian Bridge To Access 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, is more particularly described in **Exhibit A** of the Easement Agreement attached hereto ("City Property"), and

WHEREAS, Foundry31 (DE) LLC ("Grantee") owns that certain property adjacent to the City Property in the Cities of Berkeley, Oakland and Emeryville formerly known as 6701 San Pablo Avenue, Oakland, and currently commonly known as 3100 San Pablo Ave., Berkeley, CA 94702, as more particularly described in **Exhibit B** of the Easement Agreement attached hereto ("Grantee Property"), and

WHEREAS, on April 30, 2013, the cities of Berkeley, Oakland and Emeryville (collectively, the "Cities") entered into that certain Memorandum of Understanding ("MOU") regarding the Cities' consideration of planning and building applications related to the development plans for the Grantee Property; and

WHEREAS, on April 30, 2013, City and LBA RIV-Company, LLC ("LBA") entered into that certain Memorandum of Understanding regarding development at the Grantee Property specifically within City ("Emeryville MOU"). Section 1(h) of the Emeryville MOU provides that the development of Grantee's Property may include an opening onto City Property and the Emeryville Greenway that requires an easement granted by City, which City agrees to grant without cost, provided the opening complies with City ordinances and policies; and

WHEREAS, in compliance with applicable City and City of Berkeley ordinances and policies and the MOUS, LBA obtained requisite permits from City and the City of Berkeley for the construction of a pedestrian bridge across City Property connecting Grantee Property to the Emeryville Greenway ("Pedestrian Bridge"). On October 4, 2016, the City of Berkeley issued LBA Design Review approval DRSL2016-0014 approving construction of the Pedestrian Bridge. On January 31, 2018, City issued Grantee an Encroachment Permit for temporary closure of the Emeryville Greenway to allow for the construction of the Pedestrian Bridge; and

WHEREAS, LBA having complied with applicable City ordinances and policies in the approval and construction of the Pedestrian Bridge, Grantee, as LBA's successor-in-interest and current owner of the Grantee Property, now desires to obtain an easement from the City for the Pedestrian Bridge, which the City has expressly agreed to grant to Grantee; and now, therefore, be it

Resolution No. 21-_____
Easement for 3100 San Pablo Avenue
City Council Meeting | May 4, 2021
Page 2 of 2

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, with Foundry31 (DE) LLC to access and maintain a Pedestrian Bridge relating to the Property At 3100 San Pablo Avenue.

ADOPTED, by the City Council of the City of Emeryville at a regular meeting held Tuesday, May 4, 2021, by the following vote:

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

MAYOR

ATTEST:

APPROVED AS TO FORM:

CITY CLERK

DocuSigned by:

Andrea Visveshwara

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INTERIM CITY ATTORNEY