

**RESOLUTION NO. 23-24-116**

**RESOLUTION OF INTENTION OF THE PERALTA COMMUNITY COLLEGE DISTRICT BOARD OF TRUSTEES TO CONVEY TWO TEMPORARY CONSTRUCTION EASEMENTS TO EAST BAY MUNICIPAL UTILITY DISTRICT AND CALLING PUBLIC HEARING IN CONNECTION THEREWITH**

**WHEREAS**, section 81310 et seq. of the California Education Code authorizes the Peralta Community College District ("District"), by two-thirds (2/3) vote of its Board of Trustees ("Board"), to convey land for public right-of-way and/or dedicate an easement to a public corporation, or private corporation engaged in the public utility business, to lay, construct, reconstruct, maintain, and operate water, sewer, gas, or storm drain pipes or ditches, electric or telephone lines, and access roads used in connection therewith, either with or without consideration and without a vote of the electors of the District first being taken; and

**WHEREAS**, District owns that certain real property adjacent to Laney College known as Peralta Junior College Civic Center Site, located at the intersection of 5<sup>th</sup> Avenue and East 8<sup>th</sup> Street, Oakland, County of Alameda, State of California (the "Property"); and

**WHEREAS**, in pursuit of its "East 10<sup>th</sup> Street Project," the East Bay Municipal Utility District ("EBMUD") desires two (2) temporary construction easements ("TCES") over two distinct portions of the Property for purposes of installing, constructing, and maintaining fire services tap connections and obtaining a staging area during the shutdown of an existing transmission main, including, but not limited to the storing of soil, gravel, pipes, tools, equipment, machinery, and vehicles;

**WHEREAS**, the portions of the Property which EBMUD plans to utilize are described and depicted in the legal description of the TCES attached hereto as Exhibit "1" and incorporated herein; and

**WHEREAS**, District desires to give notice of its intent to convey the TCES to EBMUD in exchange for the consideration and subject to the terms and conditions set forth in the Temporary Construction Easement Agreement, and further desires to call a public hearing in connection therewith.

**NOW THEREFORE**, the Peralta Community College District Board of Trustees hereby resolves, determines, and finds the following:

**Section 1.** Recitals. The foregoing recitals are true and correct and incorporated herein.

**Section 2.** Intent to Convey Temporary Construction Easements. The District declares its intent to convey the TCES to EBMUD on, over, across, upon, and under a portions of land on the Property pursuant to the terms and conditions set forth in the legal description of the TCES attached hereto as Exhibit "1."

**Section 3.** Public Hearing. The Chancellor, or designee, is hereby directed to give notice that during the regularly scheduled public meeting of the Board on **April 9, 2024 at 6 p.m.**, or as soon thereafter as practicable, in the District's Board Room, located at 333 East 8<sup>th</sup> Street, Oakland, California, the Board will hold a public hearing on the question of making the conveyance of the TCES to EBMUD. Notice of the public hearing shall be given by posting copies of this Resolution, signed by at least a majority of the Board (but adopted by a two-thirds (2/3) vote of all its members), in three (3) public places within the District at least ten

(10) days prior to the hearing, and by publishing the notice once in a newspaper of general circulation in the District at least five (5) days prior to the hearing. At the time and place of the hearing, if no legal protest is entered, the Board may adopt a resolution by a two-thirds (2/3) vote of all its members authorizing and directing the conveyance of the TCES to EBMUD subject to the terms and conditions set forth in the Temporary Construction Easement Agreement and TCES.

**PASSED AND ADOPTED** by the Peralta Community College District Board of Trustees, this 26<sup>th</sup> day of March 2024, by the following vote:

AYES: Nicky Gonzalez Yuen, Cindi Napoli-Abella Reiss, Bill Withrow, Dyana Delfin Polk, Sheweeet Yohannes, Louis Quindlen, Paulina Gonzalez-Brito, Natasha Masand/ Advisory Vote, Naomi Vasquez/Advisory Vote

NOES:

ABSTAIN:

ABSENT:

*Paulina Gonzalez-Brito*

Paulina Gonzalez-Brito (Mar 27, 2024 15:33 PDT)

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Paulina Gonzalez-Brito  
President, Board of Trustees of the  
Peralta Community College District

Attested to:

*Sasha Amiri*

Sasha Amiri (Mar 27, 2024 07:00 PDT)

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Sasha Amiri  
Clerk, Board of Trustees of the  
Peralta Community College District

**EXHIBIT "1"**

**TEMPORARY CONSTRUCTION EASEMENTS (TCES)**

**RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:**

East Bay Municipal Utility District  
375 11<sup>th</sup> Street  
Oakland, CA 94607

**WITH COPY TO:**

Peralta Community College District  
Department of General Services  
333 East 8th Street  
Oakland, CA 94606

Request recording without fee. Record for benefit of East Bay Municipal Utility District pursuant to Government Code sections 6103, 27383.

*(THIS SPACE FOR RECORDER'S USE ONLY)*

**TEMPORARY CONSTRUCTION EASEMENTS**

Documentary Transfer Tax: Exempt (Revenue and Taxation Code Section 11922)

The undersigned grantor(s) declare(s):

Documentary transfer tax is \$ 0.00 [exempt]

- computed on full value of property conveyed, or
- computed on full value less value of liens and encumbrances remaining at time of sale
- Unincorporated area, or  East Bay Municipal Utility District

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

**PERALTA COMMUNITY COLLEGE DISTRICT,  
a California Community College District ("Grantor"),  
hereby GRANTS AND CONVEYS to  
EAST BAY MUNICIPAL UTILITY DISTRICT, a Public Corporation ("Grantee"),**

Two Temporary and Non-Exclusive Construction Easement ("**TCES**"), over, on, under, in, across, along, and through that portion of Grantor's property described in **Exhibit "A"** and depicted in **Exhibit "B"**, attached hereto and incorporated herein, for the purpose of all reasonably necessary and convenient activities associated with construction of the East 10<sup>th</sup> Street Project ("Project").

**Signed by Grantor:**

PERALTA COMMUNITY COLLEGE DISTRICT  
A California Community College District

\_\_\_\_\_  
Dr. Tammeil Y. Gilkerson, Chancellor

Dated: \_\_\_\_\_

**NOTE: SEE NEXT PAGE FOR ACKNOWLEDGMENT  
NOTARY ACKNOWLEDGMENT MUST BE ATTACHED, PER CIVIL CODE SEC. 1180 ET. SEQ.**

**California All-Purpose Certificate of Acknowledgment**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF ALAMEDA )

On \_\_\_\_\_, 2024, before me, \_\_\_\_\_, Notary Public, personally appeared \_\_\_\_\_, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

\_\_\_\_\_  
Signature of Notary Public

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

All that real property situated in the City of Oakland, County of Alameda, State of California, described as follows:

Being a portion of East 8<sup>th</sup> Street as shown on the map entitled "Peralta Junior College Civic Center Site", filed October 11, 1968, in Book 7 of Records of Survey at Page 27 (7 RS 27), Alameda County Records, with said street formerly known as Jefferson Street as shown on the Map of Clinton, filed June 20, 1854, in Liber "B" of Deeds at Page 537, Alameda County Records, and a portion of Block 4 as shown on the map entitled "Resubdivision of Blocks 4 & 5", filed June 10, 1889, in Liber "B" of Deeds at Page 25, Alameda County Records, more particularly described as follows:

**EASEMENT #1:**

A strip of land, 36 feet wide lying northeasterly of the following described line:

**COMMENCING** at a monument at the intersection of 5<sup>th</sup> Avenue and East 8<sup>th</sup> Street, as said streets are shown on the aforementioned map entitled "Peralta Junior College Civic Center Site" (7 RS 27), with the location of said monument designated as "15NW35" on said map and lying South 49°09'50" West 351.19 feet from a monument designated as "15NW37" as designated on said map; thence North 40°50'10" West 28.55 feet to the northwesterly line of 5<sup>th</sup> Avenue as said line is shown on the aforementioned map entitled "Peralta Junior College Civic Center Site" (7 RS 27); thence southwesterly along the last said line South 49°09'50" West 83.48 feet to the **POINT OF BEGINNING** of this description; thence North 40°49'56" West 290.18 feet, more or less to the southeasterly line and the extension thereof of 4<sup>th</sup> Avenue as said avenue is shown on said map, and the **POINT OF TERMINATION**.

The sideline of said strip shall be lengthened or shortened so as to begin at the northwesterly line of 5<sup>th</sup> Avenue and end at the southeasterly line of 4<sup>th</sup> Avenue as said avenues are shown on said map.

Containing 0.24 acres, more or less.

**EASEMENT #2:**

**BEGINNING** at the hereinabove mentioned POINT OF BEGINNING of EASEMENT #1; thence southwesterly along the northwesterly line of 5<sup>th</sup> Avenue as said line is shown on the aforementioned map entitled "Peralta Junior College Civic Center Site" (7 RS 27) South 49°09'50" West 61.38 feet; thence leaving said line along the following ten (10) courses:

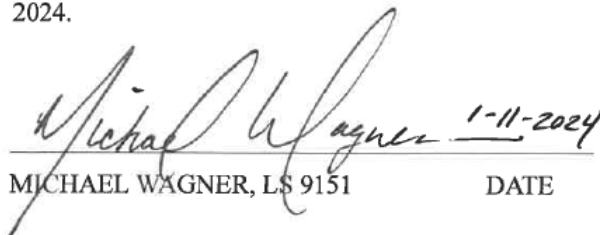
- 1) North 75°26'26" West 106.27 feet; thence
- 2) North 14°33'34" East 20.47 feet; thence
- 3) South 75°26'26" East 52.78 feet; thence
- 4) North 59°33'34" East 5.53 feet; thence
- 5) North 14°33'34" East 24.66 feet; thence
- 6) South 75°26'26" East 19.98 feet; thence
- 7) South 14°33'34" West 27.34 feet; thence
- 8) South 74°54'05" East 5.21 feet; thence
- 9) North 14°12'18" East 70.06 feet to the southwestern line of the above described EASEMENT #1; thence, following said line southeasterly,
- 10) South 40°49'56" East 72.51 feet to the aforementioned northwesterly line of 5<sup>th</sup> Avenue and the **POINT OF BEGINNING** of this description.

Containing 0.13 acres, more or less.

Bearings and Distances are based on the California Coordinate System of 1983, (CCS83), Zone 3. Distances are grid. To obtain ground distances, multiply grid distances by: 1.00006678.

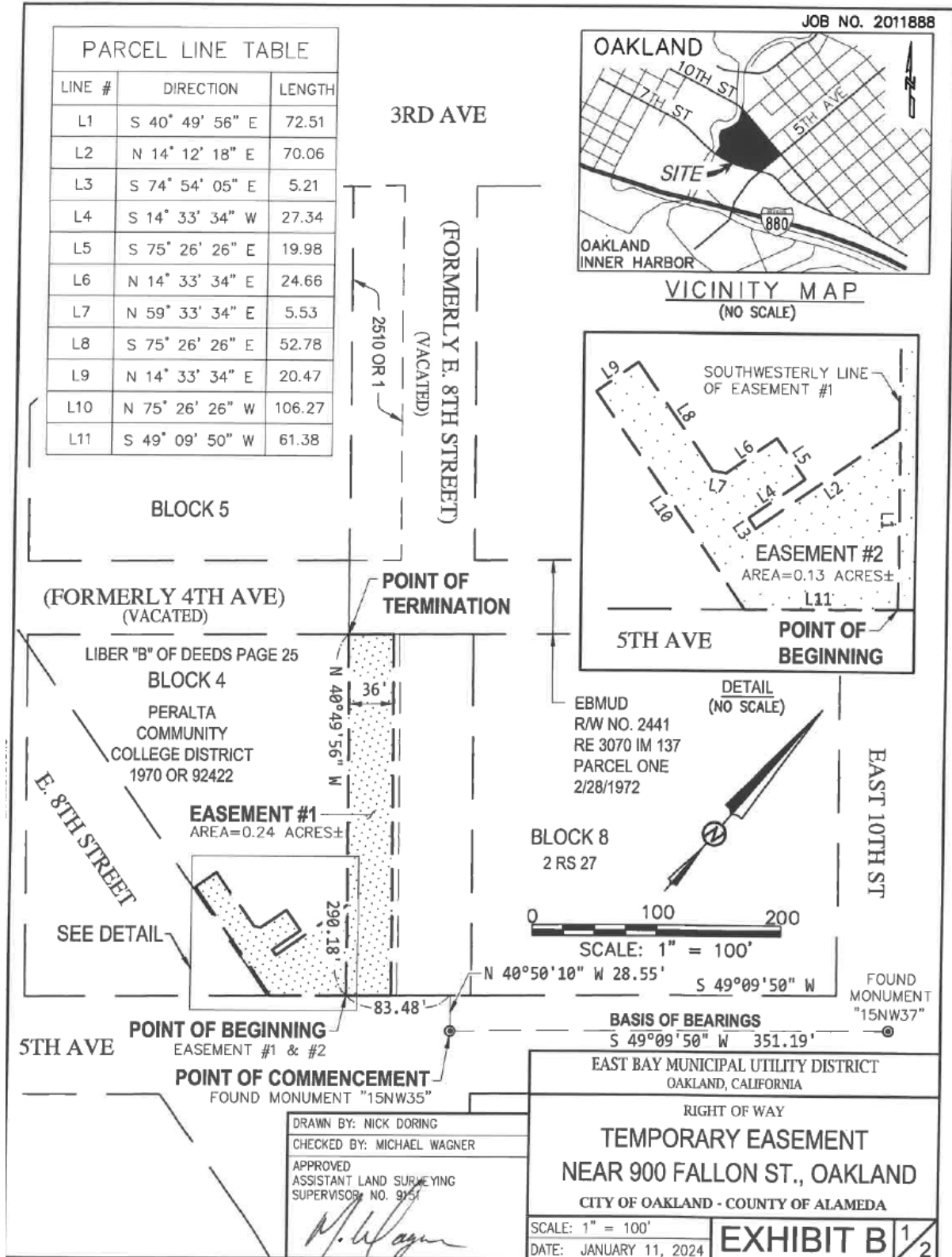
EXHIBIT "B" IS ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

THIS LEGAL DESCRIPTION WAS PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYORS ACT, IN JANUARY 2024.

  
MICHAEL WAGNER, LS 9151                      1-11-2024                      DATE



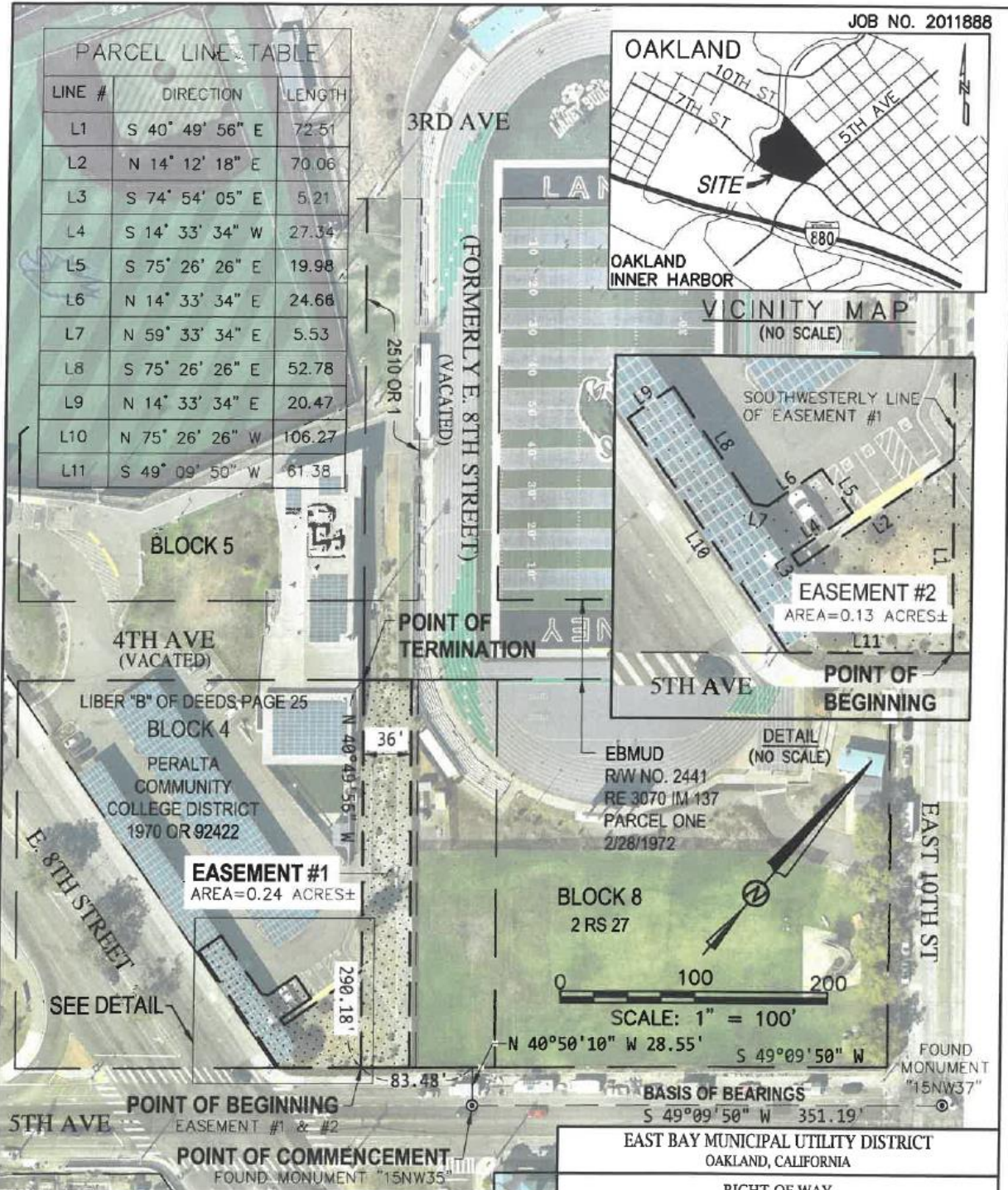
**Exhibit "B"**  
**Depiction of TCES**



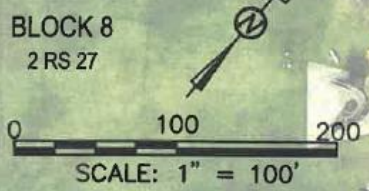


PARCEL LINE TABLE

LINE #	DIRECTION	LENGTH
L1	S 40° 49' 56" E	72.51
L2	N 14° 12' 18" E	70.06
L3	S 74° 54' 05" E	5.21
L4	S 14° 33' 34" W	27.34
L5	S 75° 26' 26" E	19.98
L6	N 14° 33' 34" E	24.66
L7	N 59° 33' 34" E	5.53
L8	S 75° 26' 26" E	52.78
L9	N 14° 33' 34" E	20.47
L10	N 75° 26' 26" W	106.27
L11	S 49° 09' 50" W	61.38



EBMUD  
R/W NO. 2441  
RE 3070 IM 137  
PARCEL ONE  
2/28/1972



BASIS OF BEARINGS  
S 49°09'50" W 351.19'

EAST BAY MUNICIPAL UTILITY DISTRICT  
OAKLAND, CALIFORNIA

RIGHT OF WAY  
**TEMPORARY EASEMENT**  
NEAR 900 FALLON ST., OAKLAND  
CITY OF OAKLAND - COUNTY OF ALAMEDA

DRAWN BY: NICK DORING  
CHECKED BY: MICHAEL WAGNER  
APPROVED  
ASSISTANT LAND SURVEYING  
SUPERVISOR, NO. 9151  
*Michael Wagner*

SCALE: 1" = 100'  
DATE: JANUARY 11, 2024

**EXHIBIT B** 2/2









# Resolution 23\_24-116 Intention to Convey TCE (EBMUD)

Final Audit Report

2024-03-27

Created:	2024-03-27
By:	Sasha Amiri (samiri@peralta.edu)
Status:	Signed
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## "Resolution 23\_24-116 Intention to Convey TCE (EBMUD)" History

-  Document created by Sasha Amiri (samiri@peralta.edu)  
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-  Document emailed to pgonzalez-brito@peralta.edu for signature  
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-  Document e-signed by Sasha Amiri (samiri@peralta.edu)  
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-  Email viewed by pgonzalez-brito@peralta.edu  
2024-03-27 - 10:33:02 PM GMT
-  Signer pgonzalez-brito@peralta.edu entered name at signing as Paulina Gonzalez-Brito  
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-  Document e-signed by Paulina Gonzalez-Brito (pgonzalez-brito@peralta.edu)  
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