

1 **RESOLUTION #08-74**

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3 **A RESOLUTION OF THE ALBANY CITY COUNCIL ACCEPTING**
4 **THE OFFER OF DEDICATION OF A CONSERVATION EASEMENT OVER A**
5 **PORTION OF CODORNICES CREEK BETWEEN 5TH STREET AND THE UNION**
6 **PACIFIC RAILROAD TRACKS IN BERKELEY, CA**
7

8 **WHEREAS**, the City of Albany has completed improvements whose goals were the
9 restoration of Lower Codornices Creek from the Union Pacific Railroad to 6th Street, including
10 both improved flood water passage and improved fish habitat and passage; and

11 **WHEREAS**, establishment and maintenance of a Conservation Easement over the effected
12 lands was a requirement of the permitting agencies on the project (CA Department of Fish and
13 Game, US Army Corps of Engineers, Bay Area Regional Water Quality Control Board) and the
14 granting agencies providing the primary funding for the project (Coastal Conservancy and CA
15 Resources Agency, Department of Water Resources); and

16 **WHEREAS**, a portion of the work is on City of Berkeley property; and

17 **WHEREAS**, the City of Berkeley has passed an ordinance on February 12, 2008
18 authorizing the conveyance of a Conservation Easement (hereafter "Berkeley Offer of
19 Dedication") over the public property between 5th Street and the Union Pacific Railroad tracks
20 and presented it to Albany for acceptance.

21 **NOW, THEREFORE, BE IT RESOLVED**
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23 1. The City of Berkeley Offer of Dedication dated February 12, 2008, over a portion of
24 Codornices Creek Restoration-Phase I and II, is hereby accepted.

25 2. The City Clerk is authorized and directed to file the original of the City of Berkeley
26 Offer of Dedication and this Resolution in the office of the Alameda County Recorder.

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29 Mayor Robert S. Lieber