

**CITY OF ALBANY
CITY COUNCIL AGENDA
STAFF REPORT**

Agenda Date: December 12, 2008

Reviewed by: BP

SUBJECT: Interim Agreement with U.S. Postal Service for Codornices Creek Phase 3, as required by California Resources Agency for existing River Parkways Grant.

REPORT BY: Judy Lieberman, Assistant City Administrator

STAFF RECOMMENDATION

Approve the Interim Agreement with U.S. Postal Service (USPS) for Codornices Creek Phase 3, as required by California Resources Agency for existing River Parkways Grant.

BACKGROUND

In 2007 the City of Albany received a \$2.1 million grant from the California Resources Agency River Parkways Grant Program to design and construct Phase 3 of the Codornices Creek project. Part of that project is on property owned by the U.S. Postal Service. At the time the grant was approved, the City supplied documentation that included a formal agreement from the U.S. Postal Service to provide the City of Albany a conservation, maintenance and public access easement once the project was completed. However, the Resources Agency is now requiring that the City and the USPS enter into a “bridge” agreement during the interim period while the construction is underway and the easement documentation is not yet completed. The USPS has reviewed the attached agreement and is ready to approve it once it is also approved by the City of Albany.

DISCUSSION

The interim agreement provides that maintenance will be carried out by the City of Albany per the already existing 2004 Memorandum of Understanding between the City of Albany, the City of Berkeley and the University of California. It also restates the already agreed upon items from the 2006 USPS agreement. This interim agreement does not change any of the already existing relationships or obligations, but provides reassurance to the State during the period between construction and the recording of the final easement document. The city has already started the process to develop the maps and legal descriptions for the easement. However, the California Resources Agency has required that this interim agreement be provided in order to reimburse the City’s construction activities on the site.

SUSTAINABILITY IMPACT

The Codornices Creek restoration and trail project provides creek and habitat restoration, as well as resources for recreation, including a bicycle and pedestrian path that connects to the Berkeley Bicycle network, and will eventually connect to the Albany bicycle network. The conservation, maintenance and public access easements will ensure that use of this area is restricted to activities involving natural habitat and environmental protection, nature study, enjoyment of views, recreation, open space, flood control, and related uses. The easement agreements also ensure that the area will be maintained for a period of 25 years via the maintenance and monitoring responsibilities that are detailed in the 2004 Memorandum of Agreement.

FINANCIAL IMPACT

Currently, the Resources Agency is holding all construction related reimbursement requests until this agreement is signed by both parties. At the moment, this is a total of approximately \$54,000. The entire contract for the work on the USPS property is approximately \$300,000, all of which will be reimbursed by the grant. It is to the City's benefit to receive the reimbursements in a timely manner and not wait until the formal easement document is completed. It should also be noted that maintenance costs, per the 2004 MOU, are paid out of a joint account administered by the City of Albany, but funded by the University of Berkeley and the City of Berkeley.

Attachments:

- A. Interim Agreement between City of Albany and U.S. Postal Service
- B. 2006 Agreement with U.S. Postal Service
- C. 2004 Memorandum of Understanding with City of Berkeley and University of California.