

APPROVED AS TO FORM AND LEGALITY:


DEPUTY CITY ATTORNEY CLERK
OF OAKLAND

INTRODUCED BY CONCILMEMBER _____

2004 SEP 30 AM 8:06

ORDINANCE NO. 12630 C. M. S.

ORDINANCE AUTHORIZING THE GRANTING OF AN ENCROACHMENT EASEMENT OF 885 SQUARE FEET TO HOI LIANG PHUA AND LINLI LEE ON CITY PROPERTY LOCATED AT DAVIE TENNIS STADIUM AT 198 OAK ROAD, OAKLAND FOR THE APPRAISED MARKET VALUE OF \$5,350

WHEREAS, the City of Oakland (City) is the owner of a parcel of land, commonly known as Davie Tennis Stadium (Stadium) located 198 Oak Road, Oakland, APN 051-4736-008, and

WHEREAS, Hoi Liang Phua and Linli Lee are property owners located at 141 Woodland Way, Piedmont, APN 051-4745-001, which is adjacent to 198 Oak Road, the City property identified as the Stadium, and

WHEREAS, Hoi Liang Phua and Linli Lee submitted plans to the City of Piedmont to demolish an existing deck, close off a pool structure, and build a new deck that extends over the pool area, and

WHEREAS, the proposed construction of the new deck required the property owners to meet a City of Piedmont Municipal Code 5.2.11 Section 705—Protection of Underside Floors (Code), and

WHEREAS, the Code required a 3 feet wide concrete slab around the pool structure, and

WHEREAS, the City of Piedmont also required an additional 15 feet setback for the new deck, and

WHEREAS, the concrete slab and setback requirement encroach on and into the Stadium for a total of 885 square feet, and

WHEREAS, the City of Piedmont required the property owners to obtain an obligation from the City that will run with the title of the land, and

WHEREAS, the Real Estate Division determined that an encroachment easement will allow the property owners to meet the City of Piedmont requirements, and

WHEREAS, the Office of Parks and Recreation authorized the Real Estate Division to process the encroachment easement; **now therefore be it**

RESOLVED: That the City hereby finds and declares that the requirements to issue an encroachment easement has been satisfied; and be it

FURTHER RESOLVED: That the City hereby authorizes and directs the City Administrator to execute a Grant of Easement for Liang Hoi Phua and Linli Lee for the property located at 141 Woodland Way, Piedmont, Ca; and be it

FURTHER RESOLVED: That the \$1,097 processing fee for the easement are available from Fund 1010, Org. 88639, Account 45519, Project P47010; and be it

FURTHER RESOLVED: That the City Administrator is authorized and directed to take any and all actions necessary to grant the easement; and be it

FURTHER RESOLVED: That the City Administrator or her designee is authorized to take all actions necessary to carry out the intent of this Ordinance and to complete the transaction; and be it

FURTHER RESOLVED: That the City Attorney shall review and approve as to form and legality all documents and agreements necessary to grant the easement.

IN AGENCY, OAKLAND, CALIFORNIA PASSED BY THE FOLLOWING VOTE:

NOV 16 2004

AYES- ~~BROOKS~~, BRUNNER, CHANG, NADEL, REID, QUAN, WAN, AND CHAIR PERSON DE LA FUENTE -7

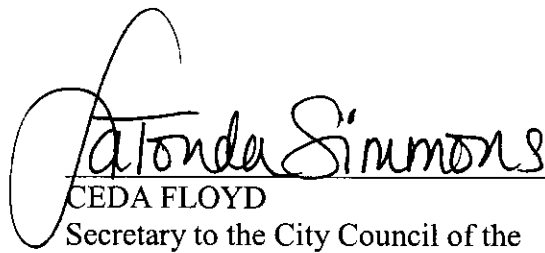
NOES- ~~0~~

ABSENT- ~~0~~

ABSTENTION- ~~0~~

Excused - Brooks - 1

ATTEST:


CEDA FLOYD
Secretary to the City Council of the
City of Oakland, California

NOTICE AND DIGEST

Buy
FILED
OFFICE OF THE CITY CLERK
OAKLAND

2004 SEP 30 AM 8:06

**ORDINANCE AUTHORIZING THE GRANTING OF AN
ENCROACHMENT EASEMENT OF 885 SQUARE FEET TO HOI
LIANG PHUA AND LINLI LEE ON CITY PROPERTY
LOCATED AT DAVIE TENNIS STADIUM AT 198 OAK ROAD,
OAKLAND FOR THE APPRASIED MARKET VALUE OF \$5,350**

This Ordinance provides for the granting of a minor encroachment and set back easement consisting of approximately 885 square feet of City of Oakland property located at the Davie Tennis Stadium. The easement is being granted to permit Hoi Liang Phua and Linli Lee to complete reconstruction of a pool deck in accordance with City of Piedmont setback requirements.