

OAKLAND CITY COUNCIL

Guillermo Rodriguez
City Attorney

RESOLUTION NO. 2004 APR 11 PM 1:32 C.M.S.

RESOLUTION APPROVING FINAL MAP OF TRACT 7464, A 100-LOT SUBDIVISION LOCATED AT MANDELA PARKWAY, OAKLAND, ALAMEDA COUNTY, CALIFORNIA, AND ACCEPTING OFFERS FOR DEDICATION CONTAINED THEREON AND AUTHORIZING THE SUPERINTENDENT OF STREETS TO ENTER INTO AN AGREEMENT WITH ETTIE STREET, LLC FOR IMPROVEMENTS TO BE CONSTRUCTED IN SAID SUBDIVISION; FIXING THE AMOUNT OF SECURITY TO GUARANTEE THE FAITHFUL PERFORMANCE OF SUCH AGREEMENT AND ADOPTING PLANS AND SPECIFICATIONS FOR SUCH IMPROVEMENTS.

WHEREAS, that certain map entitled "Tract 7464, Oakland, Alameda County, California", has been presented to the Council for its approval; and

WHEREAS, the City Planning Commission did on the 6th day of August 2003, approve a tentative map of said Tract 7464; and

WHEREAS, said proposed final map was referred to the Director of Building Services, who has been authorized to perform the functions of the Superintendent of Streets and Ex-officio City Engineer for the purpose of reviewing subdivision maps, and he has certified to this Council that said proposed final map is substantially the same as the tentative map approved by the City Council, and that said proposed final map complies with all of the provisions of the "Subdivision Map Act" and the local ordinances of the City of Oakland applicable thereto, and that said proposed final map is technically, correct; and

WHEREAS, the Subdivider, Ettie Street, LLC desires to postpone the completion of the improvements proposed to be constructed in said proposed subdivision to a time subsequent to the approval of the final map thereof; and

WHEREAS, the Subdivider, Ettie Street, LLC has executed an agreement with the City of Oakland, for the doing of said work and has deposited with the City Clerk a surety bond or other evidence of security in the amount of \$573,499.75 as a guarantee that the required local improvements will be constructed in accordance with the plans and specifications; and has deposited with the City Clerk an additional bond in the amount of \$286,749.88 securing payment to the contractor, its subcontractors and all persons renting equipment or furnishing labor and materials to them; and

WHEREAS, the requirements of the California Environmental Quality Act (CEQA) of 1970, the guidelines as prescribed by the secretary of resources and the City's environmental review regulations have been satisfied in that the project is exempt pursuant to Section 15332 of the California Environmental Quality Act therefore; be it

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RESOLVED: That the Council of the City of Oakland consents to the postponement of the completion of such improvements, and the Superintendent of Streets is hereby authorized and empowered to enter into an deferred subdivision agreement with the Subdivider for the construction within said proposed subdivision of those certain improvements set forth in the plans and specifications therefore, filed in the Office of the City Clerk on the 24th day of February 2004, said work to be completed on or before the 31st

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day of December 2005, provided, however, the date for the completion of such improvements may be extended by the City Council upon recommendation of the Superintendent of Streets; and be it

FURTHER RESOLVED: That upon execution of the agreement referred to above, said final map be and the same is hereby approved; that the strips of land designated upon said final map and offered for dedication for public utility purposes, be and the same are hereby accepted: that the City Clerk is hereby authorized, empowered and directed to endorse the approval and acceptance thereof of this Council upon said final map; and be it

FURTHER RESOLVED: That the plans and specifications prepared by Creegan + D'Angelo, Consulting Civil and Structural Engineers for the Subdivider and approved by the City Engineer and filed in the office of the City Clerk on the 24th day of February 2004, for the above mentioned improvements are hereby approved and adopted as the plans and specifications for such proposed improvements; and be it

FURTHER RESOLVED: That the City Council finds and determines that this action complies with CEQA.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20__

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHANG, NADEL, QUAN, REID, WAN and PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

CEDA FLOYD
City Clerk and Clerk of the Council
of the City of Oakland, California

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