

OAKLAND CITY COUNCIL
RESOLUTION NO. 78987

FILED
OFFICE OF THE CITY CLERK
OAKLAND

C. M. 2004 NOV 10 PM 5:24

INTRODUCED BY COUNCILMEMBER _____

(REVISED) RESOLUTION AUTHORIZING THE CITY ENGINEER TO ENTER INTO A SUBDIVISION IMPROVEMENT AGREEMENT WITH DESILVA GROUP, INC. FOR CONSTRUCTION OF CERTAIN IMPROVEMENTS IN CONNECTION WITH "TRACTS 7351 AND 7493", LEONA QUARRY PROJECT; FIXING THE AMOUNT OF THE SECURITY TO GUARANTEE THE FAITHFUL PERFORMANCE OF SUCH AGREEMENT AND ADOPTING PLANS AND SPECIFICATIONS

WHEREAS, on the 17th day of February 2004, the City Council of the City of Oakland approved vesting tentative map of a proposed real estate subdivision entitled "Tract 7351", (Leona Quarry subdivision project), Oakland, Alameda County, California;" and

WHEREAS, on February 3, 2004, the City Council certified a Subsequent Environmental Impact Report for the project; and

WHEREAS, the Subdivider desires to postpone completion of certain required improvements for said proposed subdivision to a time subsequent to the recordation of the final map thereof; and

WHEREAS, the Subdivider is required to complete all public improvements (including water, sanitary sewer, storm drainage, gas, electric, street, sidewalk, and curb and gutter, wheelchair ramps, street lights) for each phase, and

WHEREAS, the construction of the drainage and sewerage related public improvements are to continue and not be postponed; and

WHEREAS, the actions authorized by this Resolution will not involve any new or more severe significant impacts, there are no substantial changes with respect to the circumstances under which the project was approved that involve new or substantially more severe significant environmental impacts, and no significant new information has come to light that would indicate new or more significant impacts, or substantially different or feasible mitigation measures the project sponsor refuses to adopt; now, therefore, be it

RESOLVED: That the Council of the City of Oakland consents to the postponement of the construction of such improvements, and the City Engineer or his designee is hereby authorized and empowered to enter into an agreement with the

Subdivider for the construction of those certain improvements set forth in the approved plans and specifications therefor, filed in the Office of the City Clerk on November 15, 2004, said work to be completed on or before the 20th day of May 2006; provided, however, the date for completion of such improvements may be extended by the City Council upon recommendation of the City Engineer or his designee; and be it

FURTHER RESOLVED: That said Subdivider shall, at the time of the execution of said agreement, file with the City Clerk a surety bond, in the sum of eight million, one hundred sixty-seven thousand five hundred eighty-four dollars (\$8,167,584) being the estimated cost of said improvements, guaranteeing the faithful performance of such agreement and shall at said time file with the City Clerk an additional surety bond in the sum of four million eighty three-thousand, seven hundred ninety-two dollars (\$4,083,792), securing payment to the contractor, his subcontractors and all persons renting equipment or furnishing labor and materials to them or post such other security as is provided in Section 66499, et. seq. of the Government Code; and be it

FURTHER RESOLVED: That the engineer's estimate, plans and specifications prepared by Carlson Barbee, and Gibson, Inc. for the Subdivider, and approved by the City Engineer or his designee and filed in the Office of the City Clerk on the 15th day of November 2004, for the above-mentioned improvements are hereby approved and adopted as the cost estimate, plans and specifications for such proposed improvements.

NOV 16 2004

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2004

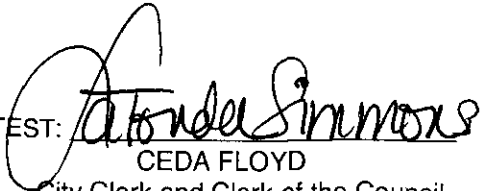
PASSED BY THE FOLLOWING VOTE:

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

NOES- ~~0~~
ABSENT- ~~0~~

ABSTENTION- ~~0~~

Excused - Brooks - 1

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