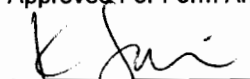


Introduced By

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

Approved For Form And Legality

  
City Attorney

Councilmember

2009 JUL 16 AM 8:55

**OAKLAND CITY COUNCIL**

**RESOLUTION No. 82192 C.M.S.**

**RESOLUTION CONDITIONALLY ACCEPTING DEDICATIONS OF PUBLIC SERVICE EASEMENTS WITHOUT COST FROM THE OAKLAND HOUSING AUTHORITY FOR THE COLISEUM GARDENS HOPE 6 AFFORDABLE HOUSING PROJECT LOCATED AT 801 69th AVENUE**

**WHEREAS**, the Housing Authority of the City of Oakland (Grantor), a California eleemosynary corporation and owner of seven (7) vacant lots identified as numbers 1 through 5, inclusive, and Parcels B and C on the final subdivision map no. TR 7488, approved by Resolution No. 78666 C.M.S. of the Council of the City of Oakland on October 4, 2004, and identified by the Alameda County Assessor as APN 041-4212-002-00 through 041-4212-008-00, inclusive, and identified by the City of Oakland as Coliseum Gardens Hope 6 affordable housing project and more particularly described on said map in *Exhibit A* attached hereto, has made an application (PPE 09061) to the City Engineer of the City of Oakland to dedicate various portions of said real properties for use in perpetuity as public service easements of various dimensional widths and lengths that traverse said properties at various locations to facilitate the construction of a new public infrastructure for a new housing complex; and

**WHEREAS**, said dedications and the graphical delineations of the metes and bounds describing said portions of real property are attached hereto in *Exhibit B*; and

**WHEREAS**, pursuant to said Resolution, the Grantor has previously filed said final subdivision map with the Alameda County Clerk-Recorder that

- subdivided the platted land for development of said lots as residential housing; and
- dedicated rights-of-way for Lion Way and Leona Creek Drive as publicly maintained streets; and
- vacated a portion of the existing right-of-way for Hawley Street.

**WHEREAS**, pursuant to said Resolution, acceptance by the City of Oakland of said dedications was conditioned upon acceptance by the City Engineer of the City of Oakland of necessary public infrastructure improvements which are currently being constructed by the Grantor permit number PX 0800067; and

**WHEREAS**, the City Engineer has determined that new public service easements are required to accommodate public maintenance of said infrastructure; and

**WHEREAS**, the Grantor desires to dedicate said public service easements; and

**WHEREAS**, the Grantor understands and agrees that construction of said public infrastructure improvements required for the full use of said affordable housing project shall be without cost to the City of Oakland and shall be an indistinguishable part of said permit PX 08000067 and shall further be an indistinguishable part of the Subdivision Improvement Agreement executed by the Grantor pursuant to said Resolution No. 78666 C.M.S.; and

**WHEREAS**, said dedications and infrastructure improvements shall conform with the approved Tentative Map (TM 7488) and land use permits (ER030001, PUDF05304, GP03636, GP08249) for the Coliseum Gardens Hope 6 project subdivision; and

**WHEREAS**, on June 4, 2003, the Planning Commission certified the EIR, adopted CEQA findings in connection with the approval of this project; and

**WHEREAS**, the City Council hereby finds and determines on the basis of substantial evidence in the record that the EIR fully analyzes the potential environmental effects of the project, including the dedication contemplated herein, and incorporates mitigation measures to substantially lessen or avoid any potentially significant impacts in accordance with CEQA. None of the circumstances necessitating preparation of additional CEQA review as specified in CEQA and in CEQA Guidelines, including without limitation Public Resources Code Section 21166 and CEQA Guidelines Section 15162, are present in that (1) there are no substantial changes proposed in the project or the circumstances under which the project is undertaken that would require major revisions of the EIR due to the involvement of new environmental effects or a substantial increase in the severity of previously identified significant effects; and (2) there is no "new information of substantial importance as described in CEQA Guidelines Section 15162(a)(3); now, therefore, be it

**RESOLVED:** That the City Council's action approving dedications of public service easements, as conditioned herein, complies with the California Environmental Quality Act; and be it

**FURTHER RESOLVED:** That the dedications of public service easements, as conditioned herein after and described and delineated in *Exhibit B*, are hereby accepted; and

**FURTHER RESOLVED:** That the dedications of public service easements hereby conditioned by the following special requirements:

1. the Grantor shall be responsible for the construction of public infrastructure improvements without cost to the City of Oakland; and
2. construction by the Grantor of the public infrastructure improvements shall conform with the plans, specifications, and general and special conditions of permit PX 0800067 and all revisions thereto; and
3. pursuant to Resolution No. 78666 C.M.S., all requirements, restrictions, conditions, limitations, and time durations set forth in the Subdivision Improvement Agreement executed by the Grantor for approval of the Final Map for the Coliseum Gardens Hope 6 project subdivision shall apply equally to construction of the public infrastructure improvements and acceptance of the dedications of public service easements and subsequent maintenance; and

4. the hereinabove conditions shall be binding upon the Grantors and their successive owners and assigns thereof; and be it

**FURTHER RESOLVED:** That this resolution shall take effect when all the conditions hereinabove set forth shall have been complied with to the satisfaction of the City Engineer of the City of Oakland and shall become null and void upon the failure of the Permittee to comply with the conditions hereinabove set forth after notice and failure to cure such conditions in a reasonable manner; and be it

**FURTHER RESOLVED:** That the City Clerk is hereby directed to file a certified copy of this resolution for recordation by the Alameda County Clerk-Recorder.

IN COUNCIL, OAKLAND, CALIFORNIA, JUL 21 2009, 2009

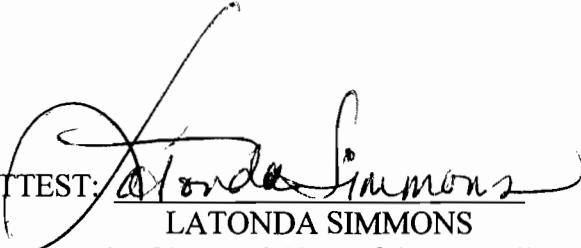
PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, AND  
~~BRUNNER~~ DE LA FUENTE - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:   
LATONDA SIMMONS  
City Clerk and Clerk of the Council  
of the City of Oakland, California