

REVISED
2-16-12

FILED
OFFICE OF THE CITY CLERK
OAKLAND
Introduced by

2012 FEB 16 PM 1:42

Councilmember

Approved for Form and Legality


City Attorney

OAKLAND CITY COUNCIL

Resolution No. 83723 C.M.S.

**RESOLUTION SUMMARILY VACATING SECTIONS OF G STREET, F STREET,
AND ELLINGTON WAY PREVIOUSLY DEDICATED ON THE FINAL MAP FOR
TRACT 7640 AND RESERVING EMERGENCY ACCESS AND UTILITY EASEMENTS
IN THE ARCADIA PARK SUBDIVISION LOCATED AT 921 98th AVENUE**

WHEREAS, pursuant to California Streets and Highways Code Section 8330 et seq., the owner, Arcadia Park Owners Association, of several lots reserved for community use, as identified by the Alameda County Assessor in the attached *Exhibit A* with parcel numbers which include the following:

- ingress and egress
044-5079-001-00 (lot A), 044-5079-003-00 (lot B), 044-5079-010-00 (lot F), 044-5079-013-00 (lot R)
- parks
044-5079-012-00 (lot H), 044-5079-114-00 (lot D), 044-5079-115-00 (lot E), 044-5079-116-00 (lot G)

has made an application to the City Engineer of the City of Oakland for the vacation of sections of dedicated public rights-of-way and a public access easement identified as G Street, F Street, and Ellington Way on the Final Map for Tract 7640, recorded July 25, 2007, series no. 2007-277989, book 299 of maps, pages 89 through 97, by the Alameda County Clerk-Recorder, as shown in the attached *Exhibit B*; and

WHEREAS, said vacations have been requested by the residents of the Arcadia Park subdivision to restrict vehicle access by the public for the purpose of deterring illegal dumping of trash and debris on the streets, sidewalks, and common use areas and other nuisance activities; and

WHEREAS, pursuant to California Streets and Highways code section 8320, the metes and bounds establishing the extent and locations of the sections of G Street, F Street, and Ellington Way proposed for vacation are delineated in the attached *Exhibit C*; and

WHEREAS, pursuant to Alameda County Clerk-Recorder series no. 2007420913, recorded December 13, 2007, Mother Fish LLC dedicated a twenty (20) feet wide portion of real property between 92nd Street and Hawkins Way to the City of Oakland as public right-of-way for construction of a section of Ellington Way; and

WHEREAS, the City Clerk of the City of Oakland conditionally accepted dedications of right-of-way and easements, as shown on said Final Map, in Resolution No. 80601 C.M.S. adopted by the Council of the City of Oakland on June 4, 2007, conditioned upon construction of roadway improvements within the Arcadia Park subdivision; and

WHEREAS, the City Engineer has not issued a Certificate of Completion for the construction of said roadway improvements in the Arcadia Park subdivision; and

WHEREAS, the developer of the Arcadia Park subdivision, Pulte Home Corporation, has filed a revision with the City Engineer of the previously approved infrastructure drawings (permit no. PX 0600089) to modify the construction of said sections of G Street and F Street and to install vehicle and pedestrian gates along the limits of the Arcadia Park subdivision at 92nd Avenue, G Street, and F Street, as shown in the attached *Exhibit D*; and

WHEREAS, pursuant to California Streets and Highways Code section 8313 and California Government Code Section 65402, the Planning Commission of the City of Oakland determined at its meeting on March 16, 2011, that the location, purpose, and extent of the proposed vacations conform with the City's adopted General Plan (PUD 05335, REV 100016); and

WHEREAS, the Planning Commission further determined at said meeting on February 16, 2011, that the proposed vacation conforms with the conditions and requirements of the Tentative Map for Tract 7640, as originally approved on September 30, 2005; and

WHEREAS, pursuant to California Streets and Highways Code section 8348, the City Engineer has informed public utilities serving the Arcadia Park subdivision of the City's intention to vacate said sections of G Street, F Street, and Ellington Way and to reserve public utility easements to maintain, operate, replace, remove, or renew existing and future facilities for public convenience and necessity; and

WHEREAS, pursuant to said sections of the California Streets and Highways Code, the City Engineer has determined the following:

- the owner of said common use areas, Arcadia Park Owners Association, owns the underlying fee simple interest in the public rights-of-way and easements proposed for vacation; and
- pursuant to California Streets and Highways code section 892, the proposed vacations will not limit public use or impede public access for non-motorized transportation; and
- the proposed vacations will not increase traffic and pedestrian inconvenience nor decrease traffic and pedestrian safety; and
- the proposed vacations require reservations of public utility easements across their full widths and lengths for existing and future facilities; and that
- the proposed vacations also require reservations emergency access easements across their full widths and lengths for vehicles and personnel; and that

- construction of said sections of G Street, F Street, and Ellington Way have not been accepted by the City Engineer since said Final Map was recorded, and no public money has been expended for maintenance on said street sections during this period of time; and
- said sections of G Street, F Street, and Ellington Way may be summarily vacated by Resolution of the Council of the City of Oakland, at the option of its elected members; and
- said vacations will add real property to the equalized roll of the general levy of property taxes and forever relieve the City of Oakland of the responsibility and potential liability for its infrastructure maintenance; and
- said vacations will benefit the public and the citizens of Oakland fiscally by decreasing the cost of police and public works services for nuisance and criminal activities; and

WHEREAS, pursuant to California Vehicle Code section 21101.6, the City Engineer has further determined that restricting public access across the proposed emergency vehicle easements in the Arcadia Park subdivision by installing privately maintained gates or other selective devices is consistent with the statutory provisions of state law; and

WHEREAS, pursuant to California Streets and Highways Code section 8324, the City Council may apply conditions for the vacation of public right-of-way and public service easements and may instruct the City Clerk not to record a vacation until said conditions have been satisfied; and

WHEREAS, the City Council approved an Environmental Impact Report (ER 050003) on March 15, 2005, for the division of real property, dedications of public right-of-way and easements, and construction of publicly and privately maintained infrastructure comprising the Final Map for Tract 7640; and

WHEREAS, the City of Oakland has reviewed and considered documentation relevant to the proposed vacations and the EIR and hereby finds and determines that there are no changes to the project considered in the EIR, or circumstances under which it will be undertaken, or new information of substantial importance that requires preparation of a subsequent or supplemental EIR, as specified in CEQA and the State EIR Guidelines, including without limitation, Public Resources Code Section 2116 and State EIR Guidelines Section 15162 and 15163; and the requirements of the California Environmental Quality Act (CEQA), the Guidelines as prescribed by the Secretary of Resources, and the provisions of the Statement of Objectives, Criteria and Procedures for Implementation of the California Environmental Quality Act have been satisfied, and no further environmental review is required. As a separate and independent basis, this project is also exempt from the California Environmental Quality Act in accordance with, but not limited to, each of following California Code of Regulations: Section 15332 (Class 32: Infill Projects), Section 15301 (minor alteration to existing structures), and Section 15304 (minor alterations to land); now, therefore, be it

RESOLVED: That the action of the Council of the City of Oakland approving the summary vacations of sections of G Street, F Street, and Ellington Way, as conditioned herein, complies with the California Environmental Quality Act (CEQA); and be it

FURTHER RESOLVED: That the summary vacations, without valuable consideration to the Arcadia Park Owners Association, of sections of G Street, F Street, and Ellington Way, as delineated in the attached *Exhibit C* is hereby ordered; and be it

FURTHER RESOLVED: That emergency vehicle access easements shall be reserved in perpetuity across the full width and length of the vacated sections of G Street, F Street, and Ellington Way; and be it

FURTHER RESOLVED: That public utility easements shall be reserved in perpetuity across the full width and length of the vacated sections of G Street, F Street, and Ellington Way for the benefit of companies regulated by the California Public Utilities Commission and the City of Oakland and the East Bay Municipal Utility District to access, maintain, operate, replace, remove, or renew subsurface utilities and necessary appurtenances, which include, but are not limited to, potable and reclaimed water piping, natural gas piping, and electrical and communications cabling; and be it

FURTHER RESOLVED: That access to the vacated sections of G Street, F Street, and Ellington Way by the general public may be controlled by the Arcadia Park Owners Association, subject to the approval of the Building Official, City Engineer, Fire Marshall, and Police Chief of the City of Oakland and their successors in title and to the issuance and final inspection approvals of required permits; and be it

FURTHER RESOLVED: That access to the vacated section of Ellington Way by the owners of abutting property identified by the Alameda County Assessor as 888 92nd Avenue, parcel no. 044-4988-006-01, and 850 92nd avenue, parcel no. 044-4989-009-02, shall be equivalent to the means, methods, and opportunities afforded to the residents of the Arcadia Park subdivision; and be it

FURTHER RESOLVED: That said emergency vehicle access and public utility easements shall be maintained free of privately installed encroachments unless authorized beforehand as set forth in the Oakland Municipal Code; and be it

FURTHER RESOLVED: That said vacation is hereby further conditioned by the following special requirements:

1. by the acceptance of this vacation the Owner, Arcadia Park Owners Association, promises to defend, hold harmless, and indemnify the City of Oakland and its officials, officers, employees, agents, representatives, and volunteers from any and all claim, demand, lawsuit and judgment for damages of any kind and nature whatsoever arising out of or caused by the said vacation of the public right-of-way and public access easement of G Street, F Street, and Ellington Way and that the hereinabove condition shall be binding upon said owners and their beneficiaries, heirs, assigns, and successors in interest and also on the successive owners of said vacated right-of-way; and

2. the Owner acknowledges that the City of Oakland makes no representations or warranties as to the conditions beneath the public right-of-way area; and that by accepting this vacation, the Owner agrees that it will use the area in the future at its own risk; and
3. the Owner acknowledges that the City of Oakland is unaware of the existence of any hazardous substances beneath the public right-of-way area and hereby waives and fully releases and forever discharges the City of Oakland and its officers, directors, employees, agents, and volunteers from any and all claims, demands, liabilities, damages, actions, causes of action, penalties, fines, liens, judgments, costs, or expenses whatsoever (including, without limitation, attorneys' fees and costs), whether direct or indirect, known or unknown, foreseen or unforeseen, that may arise out of or in any way connected with the physical condition, or required remediation of the public right-of-way area or any law or regulation applicable thereto, including, without limitation, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (42 U.S.C. Sections 9601 et seq.), the Resource Conservation and Recovery Act of 1976 (42 U.S.C. Section 6901 et seq.), the Clean Water Act (33 U.S.C. Section 466 et seq.), the Safe Drinking Water Act (14 U.S.C. Sections 1401-1450), the Hazardous Materials Transportation Act (49 U.S.C. Section 1801 et seq.), the Toxic Substance Control Act (15 U.S.C. Sections 2601-2629), the California Hazardous Waste Control Law (California Health and Safety Code Sections 25100 et seq.), the Porter-Cologne Water Quality Control Act (California Health and Safety Code Section 13000 et seq.), the Hazardous Substance Account Act (California Health and Safety Code Section 25300 et seq.), and the Safe Drinking Water and Toxic Enforcement Act (California Health and Safety Code Section 25249.5 et seq.); and
4. the Owner further acknowledges that it understands and agrees that it hereby expressly waives all rights and benefits which it now has or in the future may have, under and by virtue of the terms of California Civil Code Section 1542, which reads as follows:

A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM MUST HAVE MATERIALLY AFFECTED HIS SETTLEMENT WITH THE DEBTOR; and
5. the Owner recognizes that by waiving the provisions of Civil Code Section 1542, it will not be able to make any claims for damages that may exist, and to which, if known, would materially affect its decision to accept this vacation, regardless of whether Owner's lack of knowledge is the result of ignorance, oversight, error, negligence, or any other cause; and be it
6. the Owner shall be responsible in perpetuity for the maintenance, repair, replacement, and removal of all infrastructure improvements located within said vacated sections of G Street, F Street, and Ellington Way, including, but not limited to, street pavement, sidewalks, curbs, gutters, storm water catchments and grating, emergency vehicle roadway, trees and landscaping, irrigation, street lighting and serving electrical cabling and metering, vehicle and pedestrian gates and other selective devices, and sanitary sewer laterals, but excepting from said responsibility public utility improvements regulated by the California Public Utilities Commission or maintained by the East Bay Municipal Utility District or sanitary sewer and storm water mains maintained by the City of Oakland; and be it

FURTHER RESOLVED: That the conditions of this Resolution shall equally bind the representatives of the Owner and its heirs, successors, assigns, beneficiaries, and successors in interest; and be it

FURTHER RESOLVED: That pursuant to California Streets and Highways Code Section 8336, said vacation shall not be complete unless and until this Resolution has been filed with and recorded by the Alameda County Clerk-Recorder; and be it

FURTHER RESOLVED: That said vacations shall expire by limitation and become void should construction of the public infrastructure improvements (permit no. PX 0600089) originally approved with the Final Map for Tract 7640 and the amended design of the vacated sections of G Street and F Street not be issued a Certificate of Completion by the City Engineer within two (2) years following adoption of this Resolution by the Council of the City of Oakland.

IN COUNCIL, OAKLAND, CALIFORNIA, FEB 21 2012, 2012

PASSED BY THE FOLLOWING VOTE:

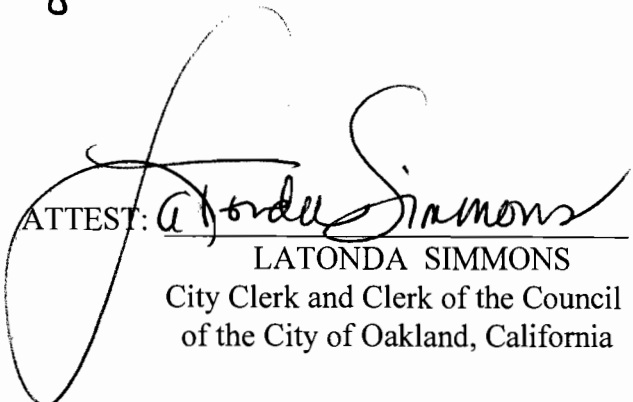
AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL,
SCHAAF, AND PRESIDENT REID - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:


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

ASSESSOR'S MAP 44

EXHIBIT A

5079

SCALE 1" = 40'

4244289

(A) TR. 7840 2000-01
(B) P.M. 8017 2100-01

4858 P. 2

62ND (KINSELL) AVENUE

REVISIONS:
DRAWN: 8/17/08
CHECKED: 8/20/08

REVISIONS:
DRAWN: 8/17/08

4859 P. 2

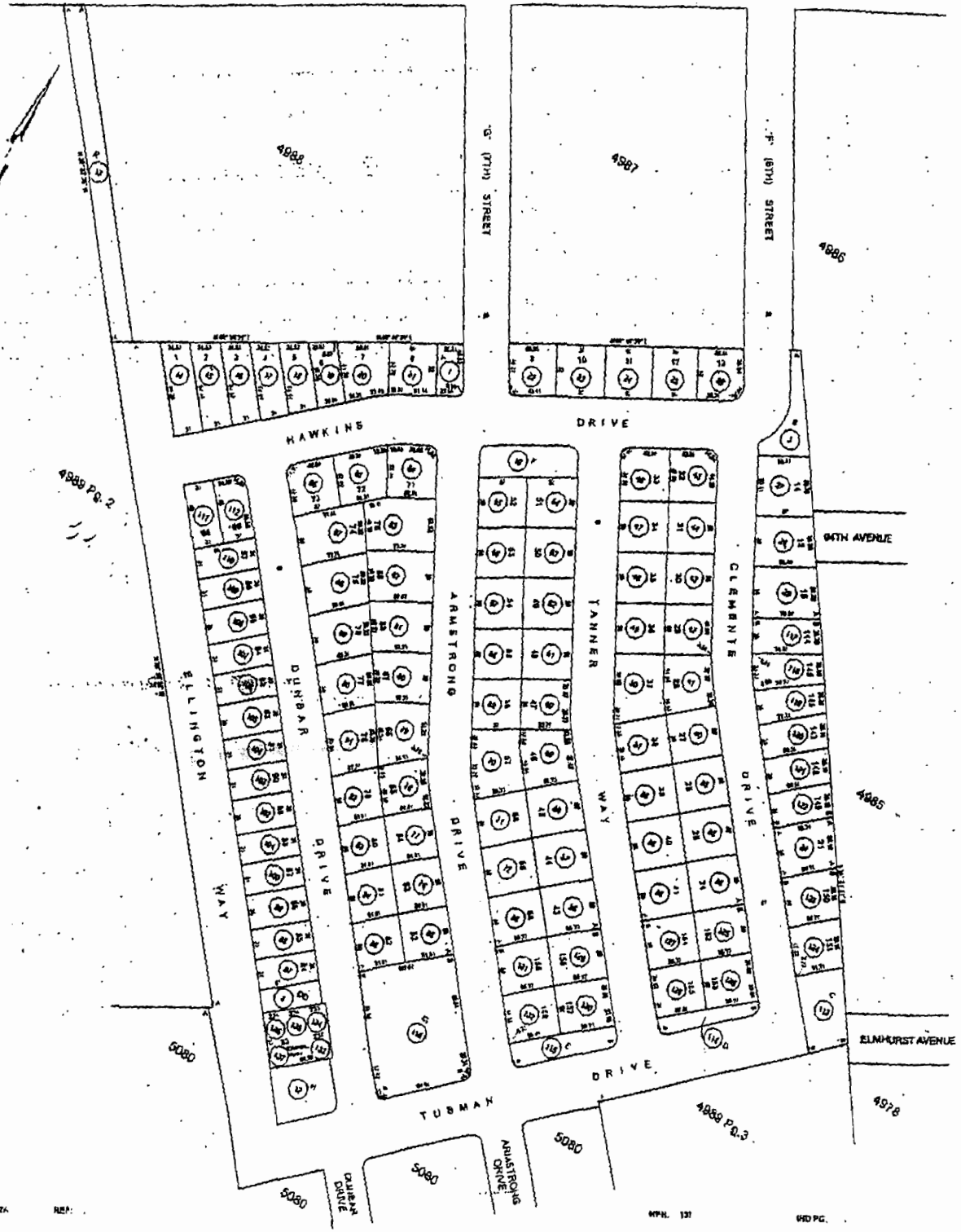
CONTRACT: POP. REC. REFERENCE LIST

SBL 424

REP:

MPN. 137

WD PG.



Tract Map 2640

EXHIBIT B

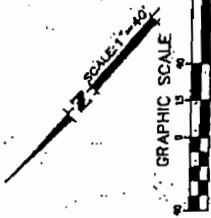
Map BK 297

Pg 93

TRACT NO. 7640

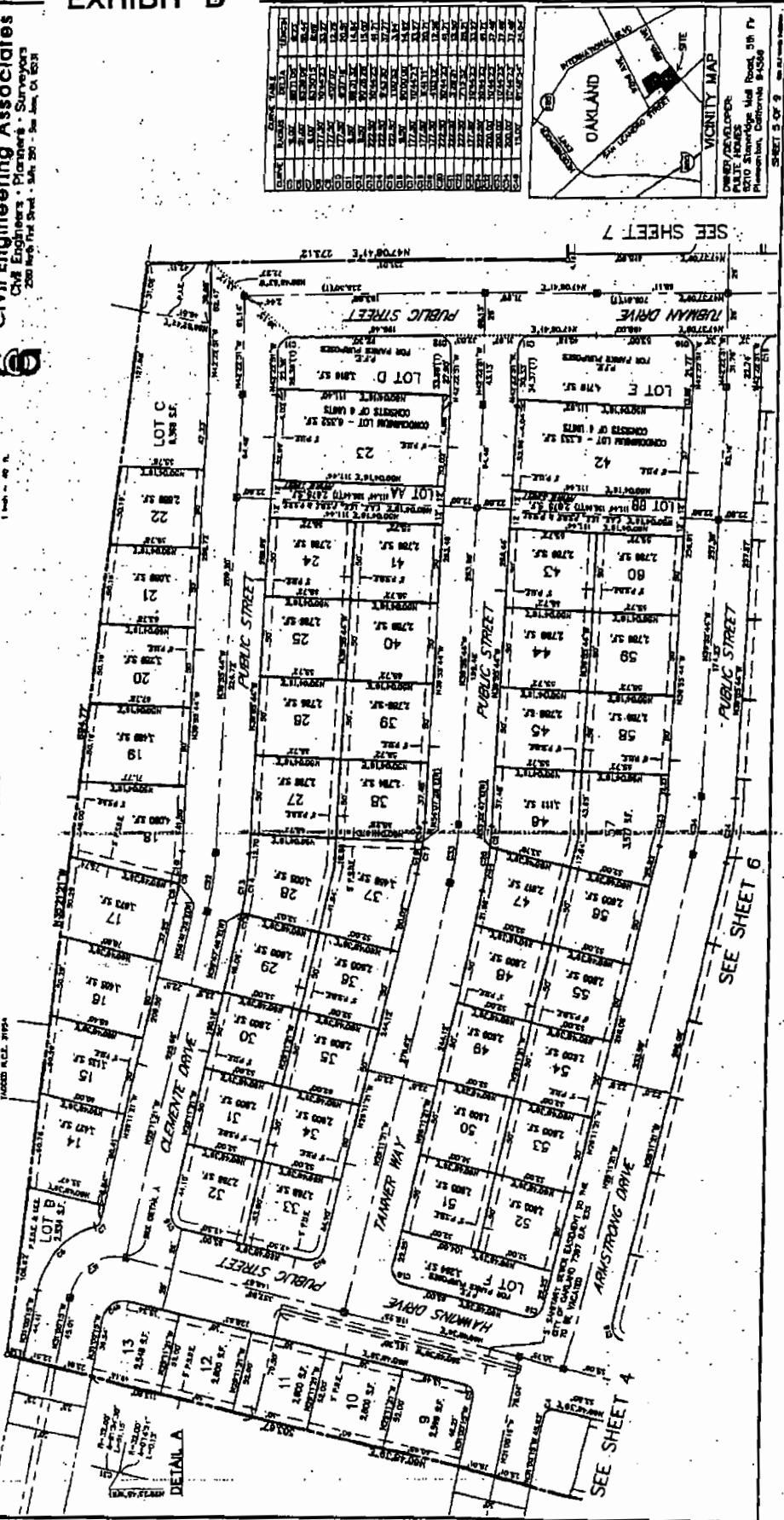
CONSISTING OF THE (1) SHEETS
 BEING LOTS 1 AND 2 IN BLOCK 3, AS SAID LOTS AND BLOCK ARE
 SHOWN IN THE TRACT MAP NO. 2640, IN THE INDEX TO THE JONES TRACT,
 ELIZABETH, MORE A SUBDIVISION OF THE JONES TRACT,
 TRACT BROOKLYN TOWNSHIP, ALAMEDA COUNTY, CALIFORNIA, PREPARED
 BY THE COUNTY RECORDER OF ALAMEDA COUNTY, CALIFORNIA, IN THE OFFICE OF
 THE COUNTY RECORDER OF ALAMEDA COUNTY,
 LYING WITHIN THE CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF
 CALIFORNIA.

DATE: JUNE 2007
Civil Engineering Associates
 Civil Engineers - Planners - Surveyors
 200 North First Street - 5th Floor - San Jose, CA 95133

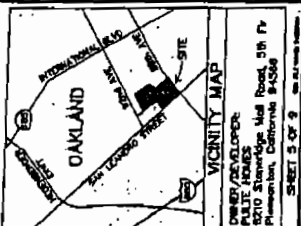


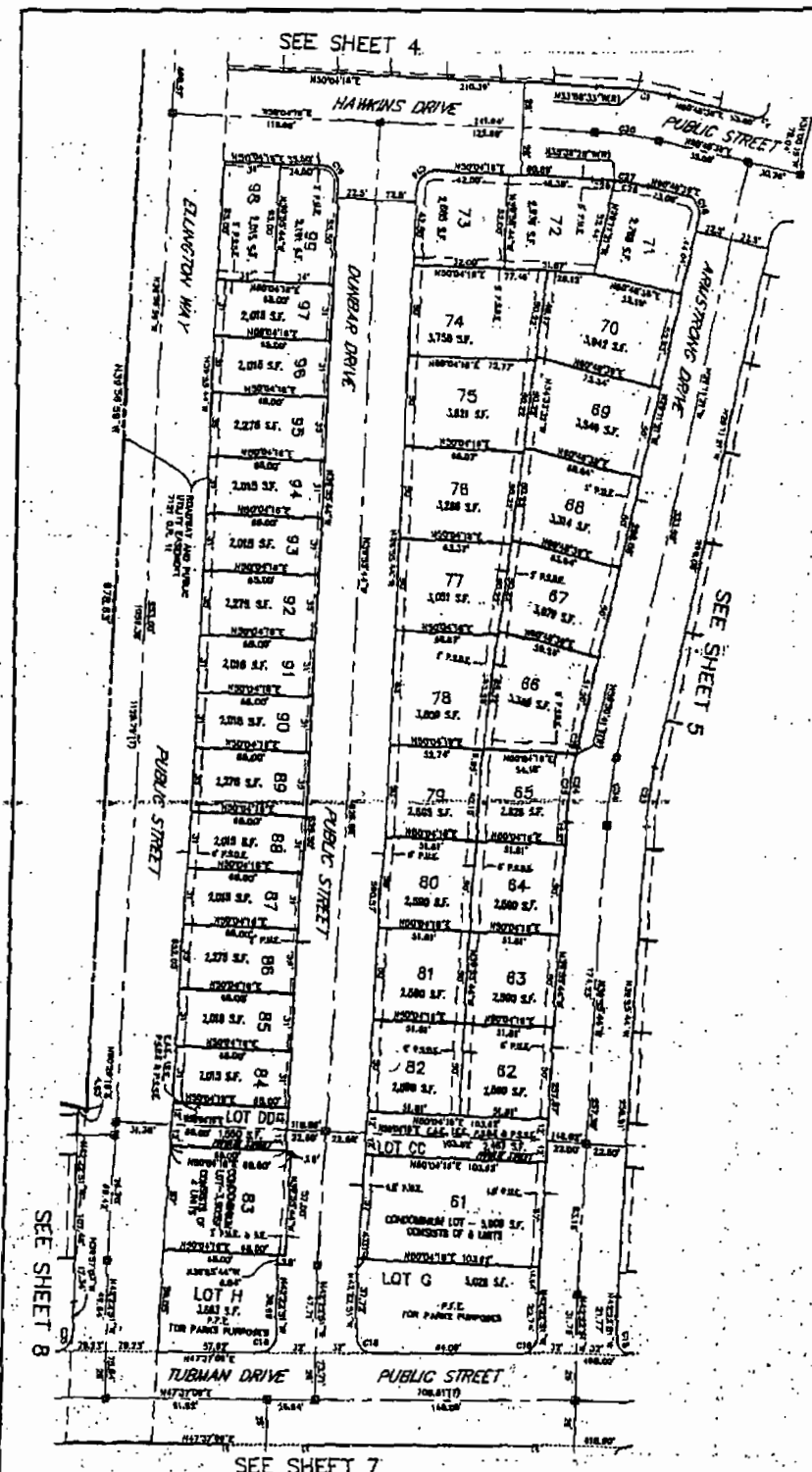
- LEGEND**
- (M-N) DISTRICT BOUNDARY
 - (E-F) RIGHT OF WAY
 - (G) ROADWAY
 - (H) ROADWAY
 - (I) ROADWAY
 - (J) ROADWAY
 - (K) ROADWAY
 - (L) ROADWAY
 - (M) ROADWAY
 - (N) ROADWAY
 - (O) ROADWAY
 - (P) ROADWAY
 - (Q) ROADWAY
 - (R) ROADWAY
 - (S) ROADWAY
 - (T) ROADWAY
 - (U) ROADWAY
 - (V) ROADWAY
 - (W) ROADWAY
 - (X) ROADWAY
 - (Y) ROADWAY
 - (Z) ROADWAY

- NOTES**
- ALL DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.
 - THE AREA WITHIN THE DASHED LINE BOUNDARY IS 27.36 ACRES.
 - ALL DIMENSIONS SHOWN ARE BASED UPON FIELD MEASUREMENTS AND SURVEY DATA UNLESS OTHERWISE INDICATED BY RECORD REFERENCE.
 - VALUES SHOWN OTHERWISE, INCLUDING LOTS SHOWN ON THIS MAP ARE FOR SINGLE FAMILY RESIDENCES.
- BASIS OF BEARINGS**
- THE BEARINGS AND DISTANCES, EAST OF THE BOUNDARY LINE OF 1044' SHOWN UPON THIS TRACT MAP, WERE OBTAINED FROM THE TRACT MAP NO. 2640, IN THE INDEX TO THE JONES TRACT, TRACT BROOKLYN TOWNSHIP, ALAMEDA COUNTY, CALIFORNIA, PREPARED BY THE COUNTY RECORDER OF ALAMEDA COUNTY, CALIFORNIA, AND SHOWN ON THE BASIS OF BEARINGS SHOWN HEREON.



BLK	LOT	AREA	ACRES
1	1	1.23	.028
1	2	1.23	.028
1	3	1.23	.028
1	4	1.23	.028
1	5	1.23	.028
1	6	1.23	.028
1	7	1.23	.028
1	8	1.23	.028
1	9	1.23	.028
1	10	1.23	.028
1	11	1.23	.028
1	12	1.23	.028
1	13	1.23	.028
1	14	1.23	.028
1	15	1.23	.028
1	16	1.23	.028
1	17	1.23	.028
1	18	1.23	.028
1	19	1.23	.028
1	20	1.23	.028
1	21	1.23	.028
1	22	1.23	.028
1	23	1.23	.028
1	24	1.23	.028
1	25	1.23	.028
1	26	1.23	.028
1	27	1.23	.028
1	28	1.23	.028
1	29	1.23	.028
1	30	1.23	.028
1	31	1.23	.028
1	32	1.23	.028
1	33	1.23	.028
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1	38	1.23	.028
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1	41	1.23	.028
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1	43	1.23	.028
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1	45	1.23	.028
1	46	1.23	.028
1	47	1.23	.028
1	48	1.23	.028
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1	54	1.23	.028
1	55	1.23	.028
1	56	1.23	.028
1	57	1.23	.028
1	58	1.23	.028
1	59	1.23	.028
1	60	1.23	.028
1	61	1.23	.028
1	62	1.23	.028





NOTES

1. THE PROPERTY SHOWN HEREON WAS IN FEET AND DECIMALS.
2. THE AREA WITHIN THE DOTTED LINE IS 5.73 ACRES.
3. ALL LOT DIMENSIONS ARE BASED UPON THE SURVEYED BOUNDARIES.
4. THE PROPERTY SHOWN HEREON IS SUBJECT TO THE EASEMENTS AND RIGHTS OF WAY SHOWN THEREON.
5. THE PROPERTY SHOWN HEREON IS SUBJECT TO THE EASEMENTS AND RIGHTS OF WAY SHOWN THEREON.
6. THE PROPERTY SHOWN HEREON IS SUBJECT TO THE EASEMENTS AND RIGHTS OF WAY SHOWN THEREON.
7. THE PROPERTY SHOWN HEREON IS SUBJECT TO THE EASEMENTS AND RIGHTS OF WAY SHOWN THEREON.
8. THE PROPERTY SHOWN HEREON IS SUBJECT TO THE EASEMENTS AND RIGHTS OF WAY SHOWN THEREON.
9. THE PROPERTY SHOWN HEREON IS SUBJECT TO THE EASEMENTS AND RIGHTS OF WAY SHOWN THEREON.
10. THE PROPERTY SHOWN HEREON IS SUBJECT TO THE EASEMENTS AND RIGHTS OF WAY SHOWN THEREON.

LEGEND

- DOTTED LINE --- EASEMENT
- DASHED LINE --- RIGHT OF WAY
- SOLID LINE --- BOUNDARY
- DOTTED LINE --- EASEMENT
- DASHED LINE --- RIGHT OF WAY
- SOLID LINE --- BOUNDARY

LEGEND

- (a-d) BOUNDARY TO ADJACENT
- (e-h) BOUNDARY TO ADJACENT
- (i) BOUNDARY TO ADJACENT
- (j) BOUNDARY TO ADJACENT
- (k) BOUNDARY TO ADJACENT
- (l) BOUNDARY TO ADJACENT
- (m) BOUNDARY TO ADJACENT
- (n) BOUNDARY TO ADJACENT
- (o) BOUNDARY TO ADJACENT
- (p) BOUNDARY TO ADJACENT
- (q) BOUNDARY TO ADJACENT
- (r) BOUNDARY TO ADJACENT
- (s) BOUNDARY TO ADJACENT
- (t) BOUNDARY TO ADJACENT
- (u) BOUNDARY TO ADJACENT
- (v) BOUNDARY TO ADJACENT
- (w) BOUNDARY TO ADJACENT
- (x) BOUNDARY TO ADJACENT
- (y) BOUNDARY TO ADJACENT
- (z) BOUNDARY TO ADJACENT

GRAPHIC SCALE

1" = 100'

1" = 200'

1" = 300'

1" = 400'

1" = 500'

1" = 600'

1" = 700'

1" = 800'

1" = 900'

1" = 1000'

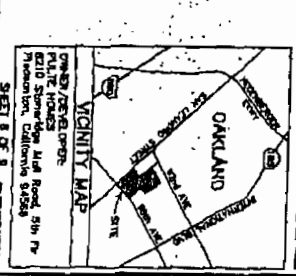
TRACTION NO. 7640

CONSISTING OF 39 SHEETS

BEING LOTS 1 AND 2 IN BLOCK 1, 10 SAID LOTS AND BLOCK ARE SHOWN ON THE MAP OF BERNERS' ADDITION TO THE FIRST TRACT ELIMINATED BEING A SUBDIVISION OF LOTS 1 AND 2 IN BLOCK 1, PROJECT BEING A SUBDIVISION OF LOTS 1 AND 2 IN BLOCK 1, THE COUNTY RECORDS OF ALAMEDA COUNTY.

DATE: JAN 2007

Civil Engineering Associates
 CIVIL ENGINEERS - PLANNERS - SURVEYORS
 200 NORTH 7th Street, Suite 200 - San Jose, CA 95131



LOT NO.	AREA (SQ. FT.)	AREA (ACRES)
61	1,000	.023
62	1,000	.023
63	1,000	.023
64	1,000	.023
65	1,000	.023
66	1,000	.023
67	1,000	.023
68	1,000	.023
69	1,000	.023
70	1,000	.023
71	1,000	.023
72	1,000	.023
73	1,000	.023
74	1,000	.023
75	1,000	.023
76	1,000	.023
77	1,000	.023
78	1,000	.023
79	1,000	.023
80	1,000	.023
81	1,000	.023
82	1,000	.023
83	1,000	.023
84	1,000	.023
85	1,000	.023
86	1,000	.023
87	1,000	.023
88	1,000	.023
89	1,000	.023
90	1,000	.023
91	1,000	.023
92	1,000	.023
93	1,000	.023
94	1,000	.023
95	1,000	.023
96	1,000	.023
97	1,000	.023
98	1,000	.023
99	1,000	.023

EXHIBIT B

Tract Map 7640

Pa 94



EXHIBIT C



OCTOBER 17, 2011

04-125

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF OAKLAND,
COUNTY OF ALAMEDA, STATE OF CALIFORNIA DESCRIBED AS FOLLOWS:

BEING ALL OF LOT "A" AND A PORTION OF "G" (7TH) STREET AS
SHOWN ON TRACT NO. 7640 RECORDED JULY 25TH, 2007 IN BOOK 299 OF
MAPS, PAGES 89-97 RECORDS OF SAID ALAMEDA COUNTY, MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHERLY CORNER OF SAID LOT A;

THENCE NORTH 29° 11' 21" WEST ALONG THE SOUTHWESTERLY LINE OF
SAID LOT "A" A DISTANCE OF 52.00 FEET;

THENCE NORTH 60° 48' 39" EAST ALONG THE NORTHWESTERLY LINE OF
SAID LOT "A" A DISTANCE OF 77.23 FEET TO A POINT ON THE WESTERLY CORNER
OF LOT 9 OF SAID TRACT 7640;

THENCE SOUTH 31° 00' 15" EAST A DISTANCE OF 46.21 FEET TO THE
BEGINNING OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 6.00 FEET;



THENCE SOUTHEASTERLY, EASTERLY AND NORTHEASTERLY ALONG LAST
MENTIONED CURVE THROUGH A CENTRAL ANGLE OF 88° 11' 06" AN ARC
DISTANCE OF 9.23 FEET;

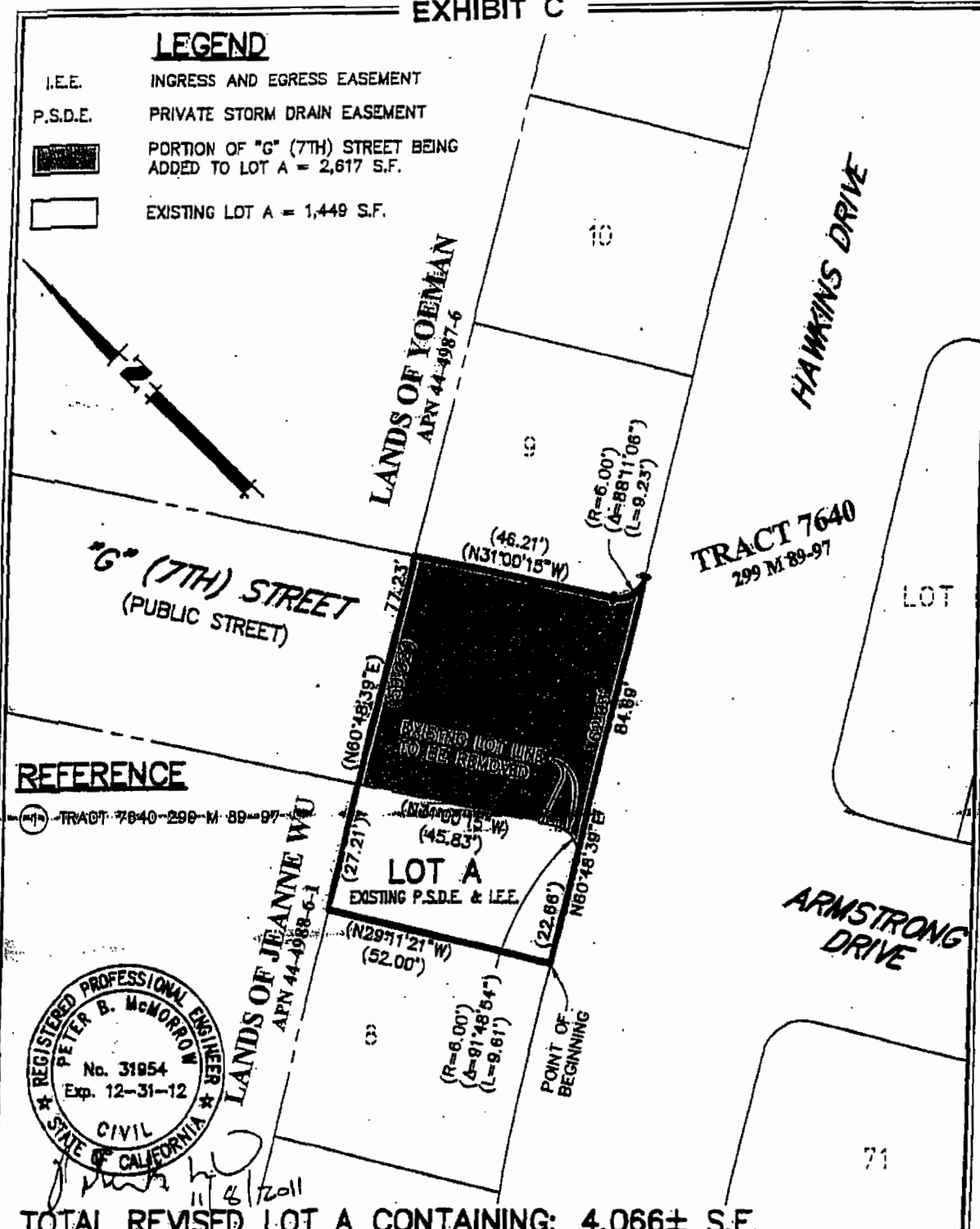
THENCE SOUTH 60° 48' 39" WEST A DISTANCE OF 84.69 FEET TO THE POINT
OF BEGINNING.

CONTAINING 4,066 SQUARE FEET (0.093 ACRES) MORE OR LESS

EXHIBIT C

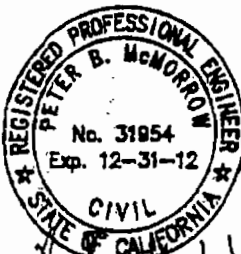
LEGEND

- I.E.E. INGRESS AND EGRESS EASEMENT
- P.S.D.E. PRIVATE STORM DRAIN EASEMENT
-  PORTION OF "G" (7TH) STREET BEING ADDED TO LOT A = 2,617 S.F.
-  EXISTING LOT A = 1,449 S.F.



REFERENCE

TRACT 7640-299 M 89-97



TOTAL REVISED LOT A CONTAINING: 4,066± S.F.

**PLAT TO ACCOMPANY DESCRIPTION
 LOT LINE ADJUSTMENT FOR THE EXPANSION OF LOT A**

04125PLAT LOT A.dwg Nov 08, 2011

	Civil Engineering Associates Civil Engineers • Planners • Surveyors 2580 North First Street, Suite 290 San Jose, CA 95131 T: (408) 435-1066	BY: <u>C.H.</u> DATE: <u>10-17-11</u> SCALE: <u>1"=30'</u> <u>2 OF 2</u> JOB NO. <u>04-125</u> <u>SHT.NO.</u>
---	--	--



EXHIBIT C



OCTOBER 17, 2011

04-125

11/8/2011

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA DESCRIBED AS FOLLOWS:

BEING A PORTION OF "G" (7TH) STREET AS SHOWN ON TRACT NO. 7640 RECORDED JULY 25TH, 2007 IN BOOK 299 OF MAPS, PAGES 89-97 RECORDS OF SAID ALAMEDA COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY CORNER OF LOT 9 OF SAID TRACT 7640;

THENCE SOUTH 31° 00' 15" EAST ALONG THE SOUTHWESTERLY LINE OF SAID LOT 9 A DISTANCE OF 46.21 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 6.00 FEET;

THENCE SOUTHEASTERLY, EASTERLY AND NORTHEASTERLY ALONG LAST MENTIONED CURVE THROUGH A CENTRAL ANGLE OF 88° 11' 06" AN ARC DISTANCE OF 9.23 FEET;

THENCE SOUTH 60° 48' 39" WEST A DISTANCE OF 62.03 FEET TO THE BEGINNING OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 6.00 FEET;

THENCE NORTHEASTERLY, NORTHERLY AND NORTHWESTERLY ALONG LAST MENTIONED CURVE FROM WHICH A RADIUS POINT BEARS NORTH 29° 11' 21" WEST THROUGH A CENTRAL ANGLE OF 91° 48' 54" AN ARC DISTANCE OF 9.61 FEET;

THENCE NORTH 31° 00' 15" WEST A DISTANCE OF 48.53 FEET;

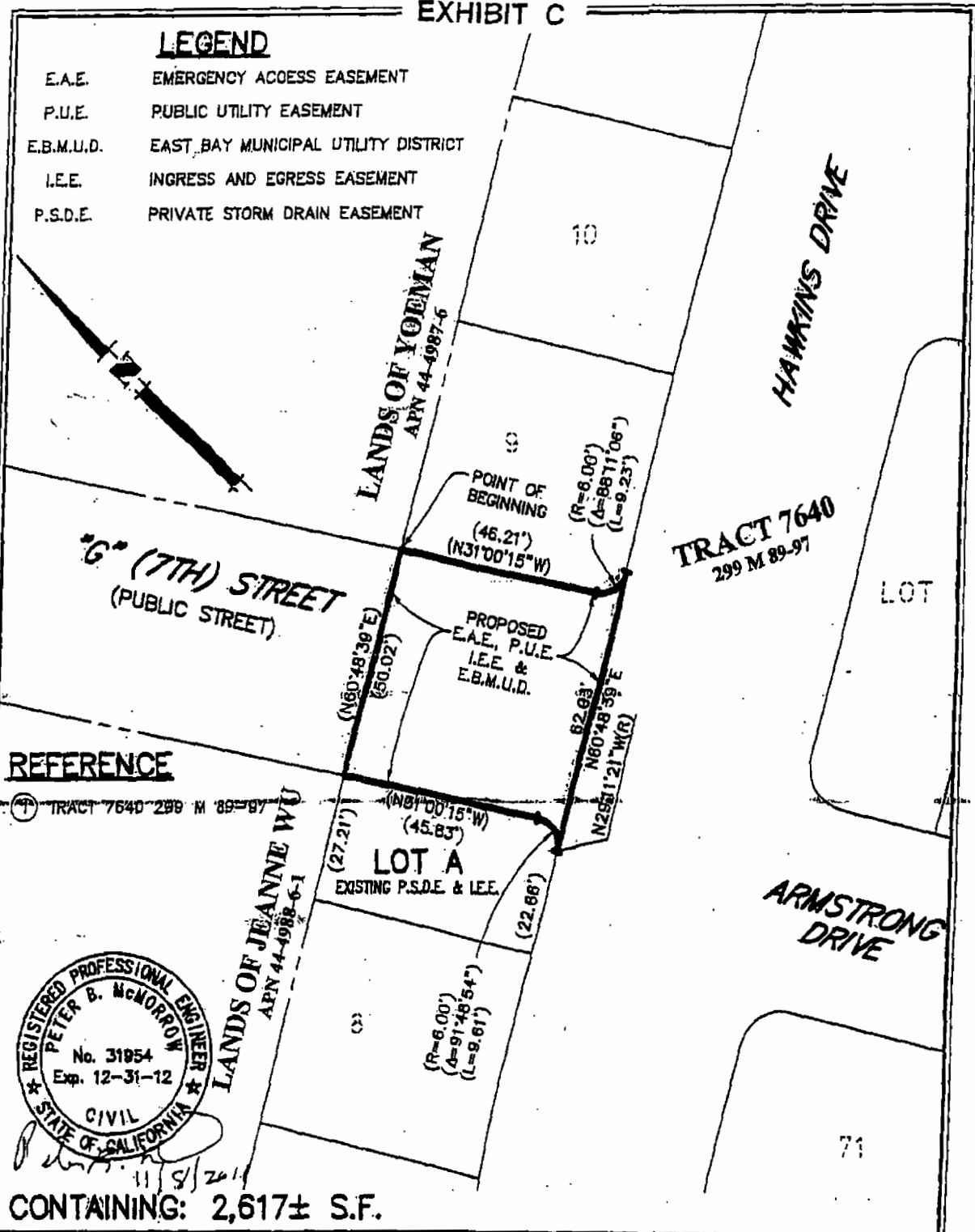
THENCE NORTH 60° 48' 39" EAST A DISTANCE OF 50.02 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,617 SQUARE FEET (0.06 ACRES) MORE OR LESS

EXHIBIT C

LEGEND

- E.A.E. EMERGENCY ACCESS EASEMENT
- P.U.E. PUBLIC UTILITY EASEMENT
- E.B.M.U.D. EAST BAY MUNICIPAL UTILITY DISTRICT
- I.E.E. INGRESS AND EGRESS EASEMENT
- P.S.D.E. PRIVATE STORM DRAIN EASEMENT



REFERENCE

⊕ TRACT 7640-299 M 89-97



CONTAINING: 2,617± S.F.

PLAT TO ACCOMPANY DESCRIPTION
PROPOSED EASEMENT FOR PORTION OF LOT A

04125PLAT LOT A EASEMENT.dwg Nov 08, 2011



Civil Engineering Associates

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2580 North First Street, Suite 290
San Jose, CA 95131
T: (408) 435-1066

BY: C.H.

DATE: 10-17-11

SCALE: 1"=30' 2 OF 2

JOB NO. 04-125 SHT.NO.



EXHIBIT C



OCTOBER 17, 2011

04-125

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF OAKLAND,
COUNTY OF ALAMEDA, STATE OF CALIFORNIA DESCRIBED AS FOLLOWS:

BEING ALL OF LOT "B" AND A PORTION OF "F" (6TH) STREET AS
SHOWN ON TRACT NO. 7640 RECORDED JULY 25TH, 2007 IN BOOK 299 OF
MAPS, PAGES 89-97 RECORDS OF SAID ALAMEDA COUNTY, MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF SAID LOT B;

THENCE SOUTH 35° 21' 21" EAST ALONG THE NORTHEASTERLY LINE OF
SAID LOT "B" A DISTANCE OF 106.62 FEET;

THENCE SOUTH 60° 48' 39" WEST ALONG THE SOUTHEASTERLY LINE OF
SAID LOT "B" A DISTANCE OF 53.47 FEET;

THENCE NORTH 29° 11' 21" WEST A DISTANCE OF 12.00 FEET TO THE
BEGINNING OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 42.00 FEET;

THENCE NORTHWESTERLY, WESTERLY AND SOUTHWESTERLY ALONG
LAST MENTIONED CURVE THROUGH A CENTRAL ANGLE OF 90° 00' 00" AN ARC
DISTANCE OF 65.97 FEET;

THENCE NORTH 60° 48' 39" EAST ALONG THE SOUTHEASTERLY LINE OF
LOT 13 OF SAID TRACT 7640 A DISTANCE OF 11.08 FEET TO THE BEGINNING OF A
TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 15.00 FEET;

THENCE NORTHEASTERLY, NORTHERLY AND NORTHWESTERLY ALONG
LAST MENTIONED CURVE THROUGH A CENTRAL ANGLE OF 91° 48' 54" AN ARC
DISTANCE OF 24.04 FEET;



THENCE NORTH 31° 00' 15" WEST ALONG THE NORTHEASTERLY LINE OF
SAID LOT 13 A DISTANCE OF 36.54 FEET;

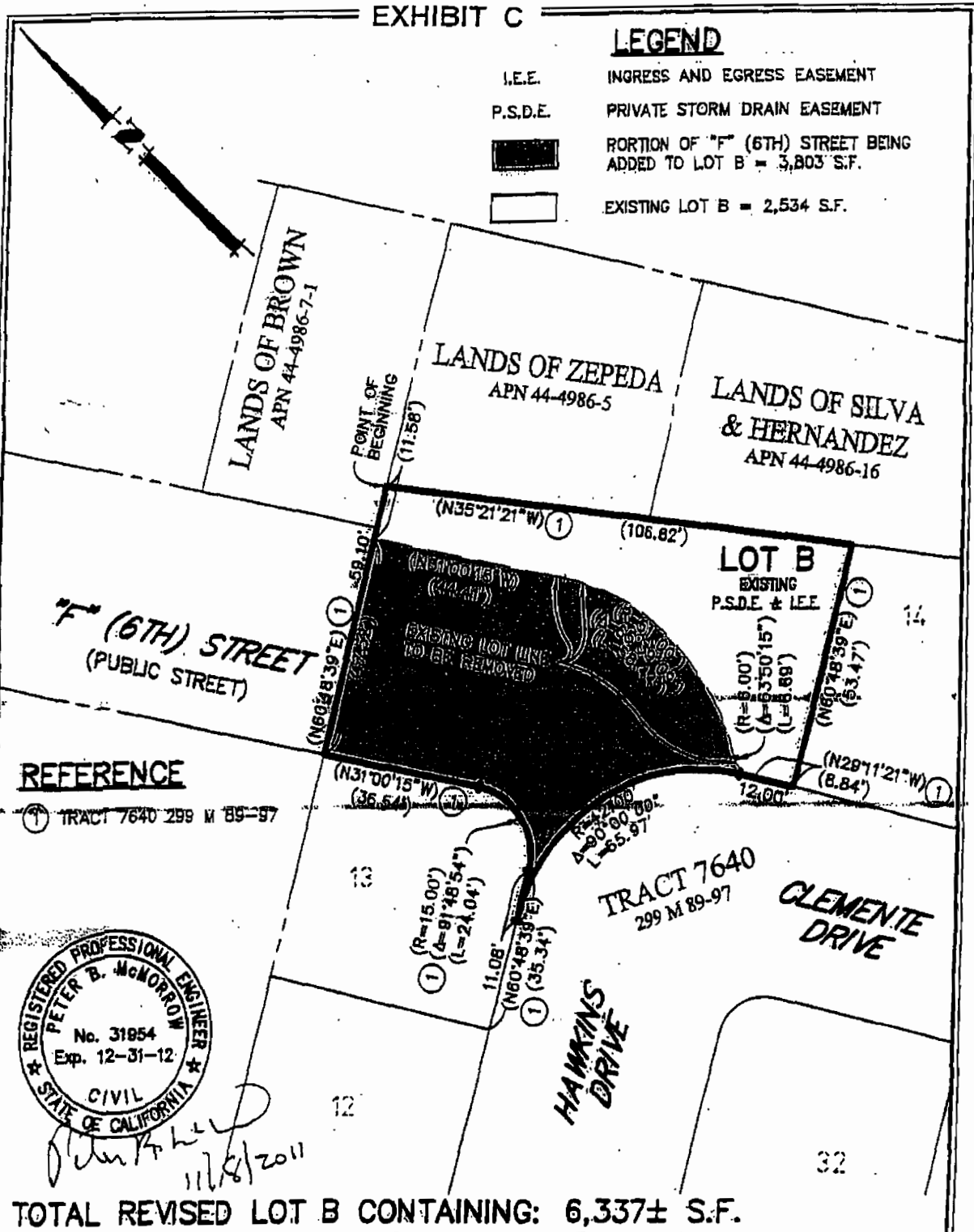
THENCE NORTH 60° 48' 39" EAST A DISTANCE OF 59.10 FEET TO THE POINT
OF BEGINNING.

CONTAINING 6,337 SQUARE FEET (0.146 ACRES) MORE OR LESS

EXHIBIT C

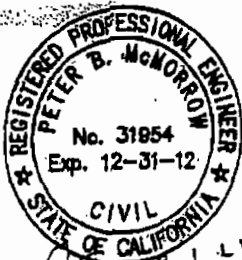
LEGEND

- I.E.E. INGRESS AND EGRESS EASEMENT
- P.S.D.E. PRIVATE STORM DRAIN EASEMENT
-  PORTION OF "F" (6TH) STREET BEING ADDED TO LOT B = 3,803' S.F.
-  EXISTING LOT B = 2,534 S.F.



REFERENCE

① TRACT 7640 299 M 89-97



Peter B. McMorrow
11/8/2011

TOTAL REVISED LOT B CONTAINING: 6,337± S.F.

**PLAT TO ACCOMPANY DESCRIPTION
LOT LINE ADJUSTMENT FOR THE EXPANSION OF LOT B**

04125PLAT LOT B.dwg Nov 08, 2011



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T: (408) 435-1066

BY: C.H.
DATE: 10-17-11
SCALE: 1"=30' 2 OF 2
JOB NO. 04-125 SHT.NO.



EXHIBIT C



OCTOBER 17, 2011

04-125

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA DESCRIBED AS FOLLOWS:

BEING A PORTION OF "F" (6TH) STREET AS SHOWN ON TRACT NO. 7640 RECORDED JULY 25TH, 2007 IN BOOK 299 OF MAPS, PAGES 89-97 RECORDS OF SAID ALAMEDA COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHERLY CORNER OF LOT 13 OF SAID TRACT 7640;

THENCE NORTH 60° 48' 39" EAST A DISTANCE OF 47.52 FEET;

THENCE SOUTH 31° 00' 15" EAST A DISTANCE OF 44.41 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 51.00 FEET;

THENCE SOUTHEASTERLY AND SOUTHERLY ALONG LAST MENTIONED CURVE THROUGH A CENTRAL ANGLE OF 65° 39' 09" AN ARC DISTANCE OF 58.44 FEET TO THE BEGINNING OF A REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 6.00 FEET;

THENCE SOUTHERLY AND SOUTHEASTERLY ALONG LAST MENTIONED CURVE THROUGH A CENTRAL ANGLE OF 63° 50' 15" AN ARC DISTANCE OF 6.69 FEET;

THENCE NORTH 29° 11' 21" WEST A DISTANCE OF 3.16 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 42.00 FEET;

THENCE NORTHWESTERLY, WESTERLY AND SOUTHWESTERLY ALONG LAST MENTIONED CURVE THROUGH A CENTRAL ANGLE OF 90° 00' 00" AN ARC DISTANCE OF 65.97 FEET;

THENCE NORTH 60° 48' 39" EAST ALONG THE SOUTHEASTERLY LINE OF SAID LOT 13 A DISTANCE OF 11.08 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 15.00 FEET;

THENCE NORTHEASTERLY, NORTHERLY AND NORTHWESTERLY ALONG LAST MENTIONED CURVE THROUGH A CENTRAL ANGLE OF 91° 48' 54" AN ARC DISTANCE OF 24.04 FEET;

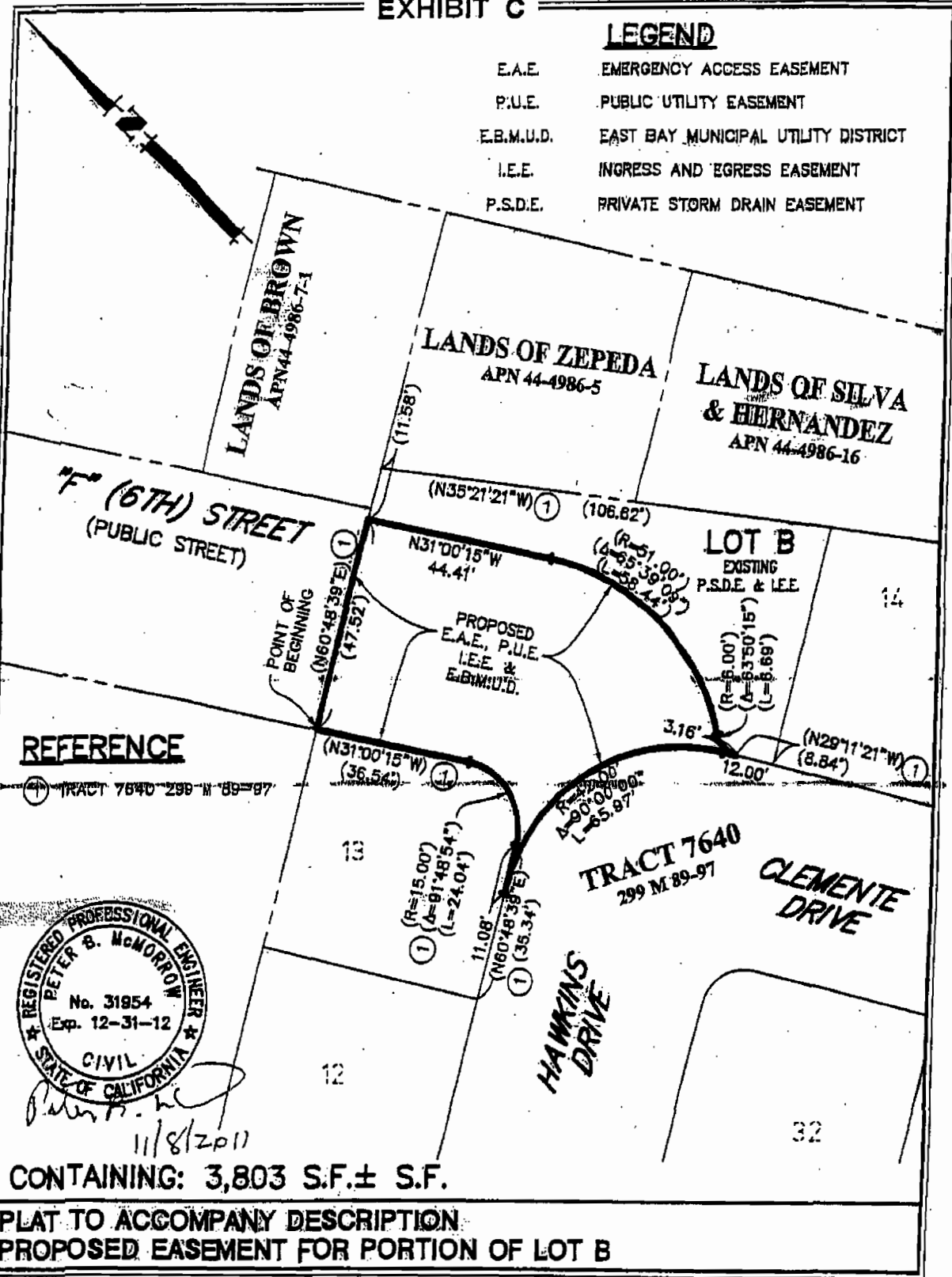
THENCE NORTH 31° 00' 15" WEST A DISTANCE OF 36.54 FEET TO THE POINT OF BEGINNING.

CONTAINING 3,803 SQUARE FEET (0.087 ACRES) MORE OR LESS

EXHIBIT C

LEGEND

- E.A.E. EMERGENCY ACCESS EASEMENT
- P.U.E. PUBLIC UTILITY EASEMENT
- E.B.M.U.D. EAST BAY MUNICIPAL UTILITY DISTRICT
- I.E.E. INGRESS AND EGRESS EASEMENT
- P.S.D.E. PRIVATE STORM DRAIN EASEMENT



.04125PLAT LOT B EASEMENT.dwg Nov 08, 2011



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T: (408) 435-1066

BY: C.H.
DATE: 10-17-11
SCALE: 1"=30' 2 OF 2
JOB NO. 04-125 SHT.NO.

TRACT NO. 7640

COMPRISING OF MORE OR FEWER LOTS

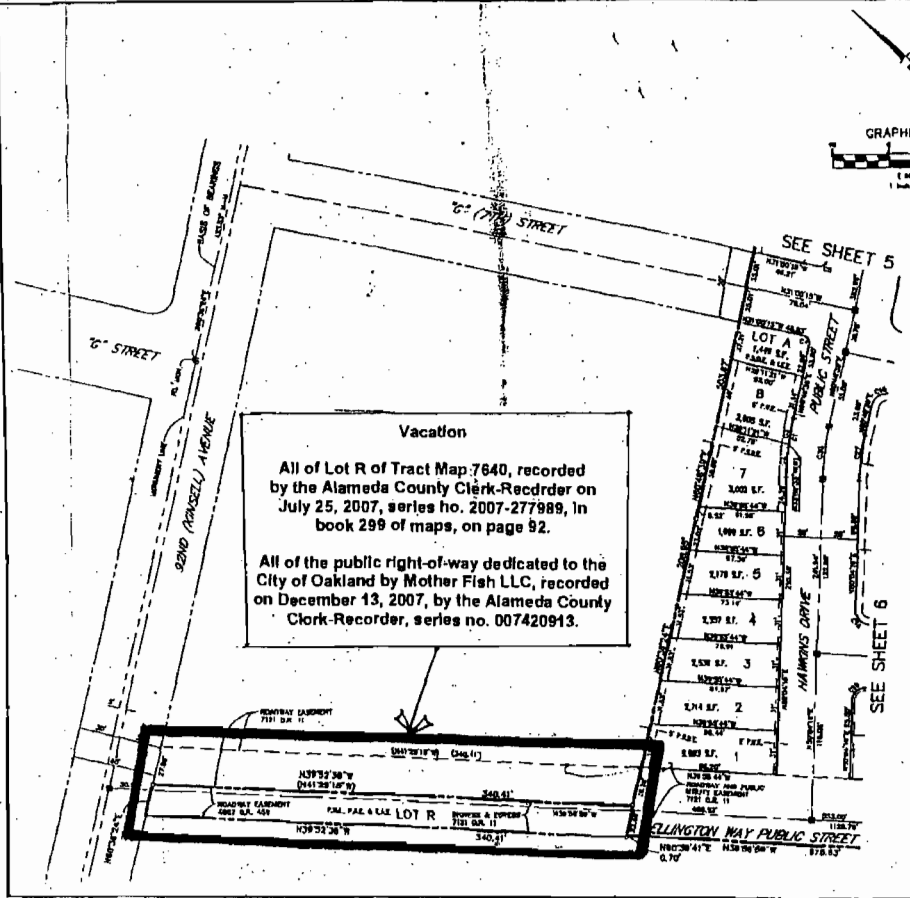
BEING LOTS 1 AND 2, IN BLOCK 3, AS SAID LOTS AND BLOCK ARE SHOWN ON THE "MAP OF IMPROVEMENTS ADDITION TO THE JONES TRACT, GRABERT, BEING A SUBDIVISION OF LOTS 2 AND 10 OF THE PERALTA TRACT, BUCKHORN TOWNSHIP, ALAMEDA COUNTY, CALIFORNIA", FILED OCTOBER 25, 1892, IN BOOK 13 OF MAPS, PAGE 37, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY.

LIES WITHIN THE CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA.



DATE: JUNE 2007
Civil Engineering Associates
 Civil Engineers, Planners & Surveyors
 2280 Park Ave. West - Suite 200 - San Jose, CA 95131

EXHIBIT C



Vacation

All of Lot R of Tract Map 7640, recorded by the Alameda County Clerk-Recorder on July 25, 2007, series no. 2007-277989, in book 299 of maps, on page 92.

All of the public right-of-way dedicated to the City of Oakland by Mother Fish LLC, recorded on December 13, 2007, by the Alameda County Clerk-Recorder, series no. 007420913.

NOTES

1. ALL DIMENSIONS SHOWN HEREON ARE IN FEET AND DECIMALS THEREOF.
2. THE AREA WITHIN THE DASHED BOUNDARY IS 17.25 ACRES.
3. ALL DISTANCES SHOWN ARE BASED UPON FIELD MEASUREMENTS OR ARE CALCULATED UNLESS OTHERWISE INDICATED BY RECORD INFORMATION.
4. UNLESS SHOWN OTHERWISE, HOUSE LOTS SHOWN ON THIS MAP ARE FOR SINGLE FAMILY RESIDENCE INFORMATION.

BASIS OF BEARINGS

THE BEARINGS HEREON ARE BASED UPON THE MONUMENTARY LINES OF THE ANGLE AS FOUND BY THE FIELD SURVEY AND ARE SUBJECT TO THE LOCAL MAGNETIC VARIATION AND AN ANGLE OF 11.25 DEGREES FROM THE TRUE BEARING AS SHOWN ON BOOK 13 OF MAPS, PAGE 37, RECORDS OF ALAMEDA COUNTY, CALIFORNIA, WAS TAKEN AS THE BASIS OF BEARINGS SHOWN HEREON.

LEGEND

- PHYSICIAN BOUNDARY
- RIGHT OF WAY
- CONTINGENT
- EASEMENT LINE
- EASEMENT LINE
- BOUNDARY TO
- FOUND (BASED UPON CITY RECORDS) WELL (AS NOTED)
- 3/4" IRON PIPE FOUND (AS NOTED)
- 3/4" IRON PIPE FOUND (AS NOTED)
- (17.25) INFORMATION TO INFORMATION
- RECORD DATA
- BEARING
- TOTAL
- EASEMENT ACCESS EASEMENT
- PROPERTY AND OTHER EASEMENT
- PUBLIC ACCESS EASEMENT
- PUBLIC UTILITY EASEMENT
- PRIVATE STORM SEWER EASEMENT
- PRIVATE SANITARY SEWER EASEMENT
- BOREHOLE EASEMENT
- PUBLIC FACILITIES EASEMENT

AREA	ACRES	FEET	INCHES
1	17.25	17.25	17.25
2	17.25	17.25	17.25
3	17.25	17.25	17.25
4	17.25	17.25	17.25
5	17.25	17.25	17.25
6	17.25	17.25	17.25
7	17.25	17.25	17.25
8	17.25	17.25	17.25
9	17.25	17.25	17.25
10	17.25	17.25	17.25
11	17.25	17.25	17.25
12	17.25	17.25	17.25
13	17.25	17.25	17.25
14	17.25	17.25	17.25
15	17.25	17.25	17.25
16	17.25	17.25	17.25
17	17.25	17.25	17.25
18	17.25	17.25	17.25
19	17.25	17.25	17.25
20	17.25	17.25	17.25
21	17.25	17.25	17.25
22	17.25	17.25	17.25
23	17.25	17.25	17.25
24	17.25	17.25	17.25
25	17.25	17.25	17.25
26	17.25	17.25	17.25
27	17.25	17.25	17.25
28	17.25	17.25	17.25
29	17.25	17.25	17.25
30	17.25	17.25	17.25
31	17.25	17.25	17.25
32	17.25	17.25	17.25
33	17.25	17.25	17.25
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35	17.25	17.25	17.25
36	17.25	17.25	17.25
37	17.25	17.25	17.25
38	17.25	17.25	17.25
39	17.25	17.25	17.25
40	17.25	17.25	17.25
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42	17.25	17.25	17.25
43	17.25	17.25	17.25
44	17.25	17.25	17.25
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46	17.25	17.25	17.25
47	17.25	17.25	17.25
48	17.25	17.25	17.25
49	17.25	17.25	17.25
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51	17.25	17.25	17.25
52	17.25	17.25	17.25
53	17.25	17.25	17.25
54	17.25	17.25	17.25
55	17.25	17.25	17.25
56	17.25	17.25	17.25
57	17.25	17.25	17.25
58	17.25	17.25	17.25
59	17.25	17.25	17.25
60	17.25	17.25	17.25
61	17.25	17.25	17.25
62	17.25	17.25	17.25
63	17.25	17.25	17.25
64	17.25	17.25	17.25
65	17.25	17.25	17.25
66	17.25	17.25	17.25
67	17.25	17.25	17.25
68	17.25	17.25	17.25
69	17.25	17.25	17.25
70	17.25	17.25	17.25
71	17.25	17.25	17.25
72	17.25	17.25	17.25
73	17.25	17.25	17.25
74	17.25	17.25	17.25
75	17.25	17.25	17.25
76	17.25	17.25	17.25
77	17.25	17.25	17.25
78	17.25	17.25	17.25
79	17.25	17.25	17.25
80	17.25	17.25	17.25
81	17.25	17.25	17.25
82	17.25	17.25	17.25
83	17.25	17.25	17.25
84	17.25	17.25	17.25
85	17.25	17.25	17.25
86	17.25	17.25	17.25
87	17.25	17.25	17.25
88	17.25	17.25	17.25
89	17.25	17.25	17.25
90	17.25	17.25	17.25
91	17.25	17.25	17.25
92	17.25	17.25	17.25
93	17.25	17.25	17.25
94	17.25	17.25	17.25
95	17.25	17.25	17.25
96	17.25	17.25	17.25
97	17.25	17.25	17.25
98	17.25	17.25	17.25
99	17.25	17.25	17.25
100	17.25	17.25	17.25



SHEET 4 OF 8

EXHIBIT D

