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OAKLAND

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2006 MAY -4 PM 6:42

F. Faiz

Councilmember

City Attorney

OAKLAND CITY COUNCIL

Resolution No. 79897 C.M.S.

RESOLUTION APPROVING THE FINAL MAP FOR TRACT 7598 FOR A RESIDENTIAL HOME PROJECT AT 10900 EDES AVENUE AND CONDITIONALLY ACCEPTING IRREVOCABLE OFFERS OF DEDICATION FOR AN ON-SITE PUBLIC ASSESS EASEMENT AND OFF-SITE PUBLIC RIGHT-OF-WAY

WHEREAS, the developer of a residential home project, East Bay Habitat For Humanity, a California non-profit public benefit corporation (no. C1589421), is the Subdivider of an undeveloped two-acre parcel identified as Tract 7598 and currently addressed as 10900 Edes Avenue; and

WHEREAS, the Subdivider has acquired by purchase for valuable consideration all real property comprising Tract 7598; and

WHEREAS, the Subdivider has previously applied to the City of Oakland to subdivide an undeveloped parcel, identified by the Alameda County Assessor as APN 045-5263-003-00, into the twenty-seven (27) contiguous lots comprising Tract 7598; and

WHEREAS, the Planning Commission of the City of Oakland approved the environmental determination and general plan amendment for the project on November 16, 2004, the re-zoning of the property on December 7, 2004, and the Planned Unit Development (PUD 05124) and Vesting Tentative Map for Tract 7598 on June 15, 2005, which proposed a subdivision of the undeveloped parcel into twenty-seven (27) contiguous lots, twenty-six (26) being developable, with companion irrevocable offers of dedication of on-site coterminous public easements for utilities and emergency vehicle access and for off-site widening of the adjoining Edes Avenue public right-of-way; and

WHEREAS, the Secretary of the Planning Commission of the City of Oakland has certified to the Council of the City of Oakland that the Planning Commission approved the Vesting Tentative Map for Tract 7598, upon which the Final Map for Tract 7598 is based; and

WHEREAS, grading of the site has been completed; and

WHEREAS, the City Engineer of the City of Oakland has determined that

- the Final Map for Tract 7598, attached hereto as Exhibit A, is substantially the same as the Vesting Tentative Map approved by the Planning Commission, and that
- the Final Map complies in all manners with the provisions of the California Government Code (Section 66400, et seq. - Subdivision Map Act), and the City of Oakland's local ordinance (Municipal Code Title 16 - Subdivisions); and

WHEREAS, the City Engineer has further determined that the Final Map is technically correct and accurately delineates the metes and bounds of the twenty-seven proposed lots, the proposed on-site public and private easements, and the proposed off-site widening of Edes Avenue public right-of-way, the limits of which have been established by field survey and can be re-established from the monuments, property corners, radii, bearings, and distances shown on the Final Map for Tract 7598; and

WHEREAS, the Subdivider has employed a competent and qualified design professional, who is licensed by the State of California to practice civil engineering, to prepare plans and specifications for the construction of required surface and subsurface public infrastructure improvements within the existing public right-of-way of Edes Avenue, the proposed widened public right-of-way of Edes Avenue, and the proposed on-site public easements; and

WHEREAS, the City Engineer has approved infrastructure permit no. PX0500094 and the Subdividers' plans and specifications for construction of the required public infrastructure improvements, included with Exhibit B and attached hereto; and

WHEREAS, at the time of approval of the Final Map by the Council of the City of Oakland, the Subdivider will not have commenced nor competed construction of the required public infrastructure improvements, and consequently, the City Engineer will not have approved the construction of nor issued a Certificate of Completion for the required improvements; and

WHEREAS, pursuant to Government Code section 66462 and Municipal Code section 16.20.100, the Subdivider may record a Final Map before completing construction of required public infrastructure improvements by entering into an agreement with the City giving assurance that the required improvements will be completed within a determinate period of time; and

WHEREAS, pursuant to Government Code section 66462 and Municipal Code section 16.20.100 as a condition precedent to approval of the Final Map, the Subdivider has executed a Subdivision Improvement Agreement, attached hereto as Exhibit C, assuring the timely construction, unconditional warrantee, and prescribed maintenance of all required public infrastructure improvements; and

WHEREAS, pursuant to Government Code section 66499 et seq. and Municipal Code section 16.20.100, the Subdivider has deposited securities in the form of surety bonds, attached hereto as Exhibit D, and in sufficient amounts, as estimated by the City Engineer, to secure the Subdivider's performance under Exhibit B as a:

- a guarantee that the required public infrastructure improvements will be constructed in accordance with the approved plans and specifications, and as a
- guarantee that the contractor and his subcontractors and all persons renting equipment or furnishing labor and materials will receive full payment, and as a
- warrantee that the required public infrastructure improvements will perform as designed and intended, and as a
- guarantee that the Subdivider will maintain the required public infrastructure improvements for the duration prescribed Subdivision Improvement Agreement; and

WHEREAS, that upon City Attorney's approval for form and legal sufficiency of the Subdivision Improvement Agreement and the surety bonds, the City Administrator is authorized to execute the Subdivision Improvement Agreement on behalf of the City of Oakland; and

WHEREAS, the Subdivider has irrevocably offered to the City of Oakland the dedication of a non-exclusive public easement under, on, and over the on-site common-area lot, as described and delineated in the Final Map, for unimpeded access in perpetuity of emergency vehicles; and

WHEREAS, the Subdivider has further irrevocably offered to the City of Oakland the dedication of a portion of the undivided two-acre parcel adjoining Edes Avenue, as described and delineated in the Final Map, for exclusive use in perpetuity as public right-of-way for the widening of Edes Avenue; and

WHEREAS, the requirements of the California Environmental Quality Act (CEQA) have been complied with and the project was determined to be categorically exempt under Section 15332 of the CEQA Guidelines, and approval of a final map is ministerial and exempt from CEQA; now, therefore, be it

RESOLVED, that the Final Map for Tract 7598 is hereby conditionally approved; and be it

FURTHER RESOLVED, that the City Engineer of the City of Oakland is hereby authorized to endorse the Final Map for Tract 7598; and be it

FURTHER RESOLVED, that the City Clerk of the City of Oakland is hereby authorized to endorse the Final Map for Tract 7598, upon its execution by the City Engineer, and directed to file the fully endorsed Final Map and the fully executed Subdivision Improvement Agreement concurrently with the Alameda County Recorder for simultaneous recordation; and be it

FURTHER RESOLVED, that this Resolution shall become effective upon the recordation of the Final Map for Tract 7598 and the Subdivision Improvement Agreement; and be it

FURTHER RESOLVED, that upon issuance of a Certificate of Completion by the City Engineer for construction of the required public infrastructure improvements, the irrevocable offers of dedication of the on-site public access easement and the off-site public right-of-way are hereby accepted by the City of Oakland; and be it

FURTHER RESOLVED, that upon expiration of the warrantee and maintenance period, as identified in the Subdivision Improvement Agreement, following the issuance of a Certificate of Completion by the City Engineer, the maintenance of newly constructed public infrastructure improvements within the public right-of-way is hereby accepted by the City of Oakland, excepting from said maintenance all infrastructure improvements, including but not limited to sidewalks, curbs, gutters, trees and landscaping, sanitary sewer piping, and storm water piping, that are identified in the California Streets and Highways Code and the Oakland Municipal Code to be the responsibility of the abutting property owner and also excepting from said maintenance all infrastructure improvements that are otherwise regulated by California Public Utilities Commission; and be it

FURTHER RESOLVED, that private maintenance of the required public infrastructure improvements shall remain the responsibility in perpetuity of the property owners of Tract 7598 and their homeowners association, both severally and jointly, and their representatives, agents, heirs, successors, and assigns.

IN COUNCIL, OAKLAND, CALIFORNIA, **MAY 16 2006** , 2006

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and
PRESIDENT 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

EXHIBIT A

UNRECORDED
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APRIL 2006

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TRACT 7000

PORTION OF LOT 1 AND A PORTION OF THE ROAD TO BE SET
APART FROM LOT 1 ON THE SUBJECT, AS SHOWN ON THE
50 FOOT WIDE, ARE SHOWN ON THE OFFICIAL RECORDS OF LANDS IN
PARCEL 200 P. 10000, 10.0000 ACRES, COUNTY OF ALAMEDA, ET
AL. ACCORDING TO THE RECORDS IN THE OFFICE OF THE CLERK
OF THE COUNTY OF ALAMEDA, CALIFORNIA.

CITY OF OAKLAND, COUNTY OF ALAMEDA

CALIFORNIA

APRIL 2006

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CITY OF OAKLAND
APRIL 2006

DECLARATION

I, LAURENCE BROWN, CITY CLERK AND CLERK OF THE CITY COUNCIL OF THE CITY OF GARLAND, STATE OF CALIFORNIA, DO HEREBY CERTIFY THAT THE ABOVE DESCRIBED AND CAPTIONED TRACT THE CITY OF GARLAND, COUNTY OF ALABAMA, IS REFERRED TO THE OFFICE OF THE CITY OF GARLAND AT A PUBLIC HEARING HELD ON THE _____ DAY OF _____ 2006 AND THAT THE SAME IS SUBJECT OF ORDINANCE NO. _____

I HEREBY ACCEPT IN BEHALF OF THE CITY OF GARLAND THE ABOVE DESCRIBED AS THE CITY OF GARLAND IN THE CITY OF GARLAND AND THAT THE PUBLIC HEARING DESCRIBED IS BEING CONDUCTED IN ACCORDANCE WITH SECTION 54.040 OF THE GARLAND MUNICIPAL CODE.

IN WITNESS WHEREOF, I HAVE HEREunto SET MY HAND AND SEAL OF THE CITY OF GARLAND, ALABAMA, THIS _____ DAY OF _____ 2006.

LAURENCE BROWN
CITY CLERK AND CLERK OF THE COUNCIL
OF THE CITY OF GARLAND, COUNTY OF
ALABAMA, STATE OF CALIFORNIA

RESOLUTION OF THE PLANNING COMMISSION

I, CLAY L. FORTIN, MEMBER OF THE CITY PLANNING COMMISSION OF THE CITY OF GARLAND, STATE OF CALIFORNIA, DO HEREBY CERTIFY THAT A RESOLUTION OF "TRACT NO. 7888, CITY OF GARLAND, ALABAMA COUNTY, CALIFORNIA" WAS PRESENTED TO THE CITY PLANNING COMMISSION AS PROVIDED BY THE RESOLUTIONS ACT, THAT AT A REGULAR MEETING HELD ON APRIL 14, 2006, AND THAT THE COMMISSION APPROVED THE RESOLUTION BY THE VOTE OF _____ TO _____ AND THAT THE SAME IS SUBJECT OF ORDINANCE NO. _____

DATE: _____

CLAY L. FORTIN
MEMBER OF THE CITY PLANNING
COMMISSION OF THE CITY OF GARLAND
COUNTY OF ALABAMA, STATE OF CALIFORNIA

DECLARATION

I, _____, CITY CLERK AND CLERK OF THE CITY COUNCIL OF THE CITY OF GARLAND, STATE OF CALIFORNIA, DO HEREBY CERTIFY THAT THE ABOVE DESCRIBED AND CAPTIONED TRACT THE CITY OF GARLAND, COUNTY OF ALABAMA, IS REFERRED TO THE OFFICE OF THE CITY OF GARLAND AT A PUBLIC HEARING HELD ON THE _____ DAY OF _____ 2006 AND THAT THE SAME IS SUBJECT OF ORDINANCE NO. _____

DATE: _____

NAME: _____

ADDRESS: _____

PHONE: _____

DECLARATION

I, _____, CITY CLERK AND CLERK OF THE CITY COUNCIL OF THE CITY OF GARLAND, STATE OF CALIFORNIA, DO HEREBY CERTIFY THAT THE ABOVE DESCRIBED AND CAPTIONED TRACT THE CITY OF GARLAND, COUNTY OF ALABAMA, IS REFERRED TO THE OFFICE OF THE CITY OF GARLAND AT A PUBLIC HEARING HELD ON THE _____ DAY OF _____ 2006 AND THAT THE SAME IS SUBJECT OF ORDINANCE NO. _____

DATE: _____

I, _____, MEMBER OF THE CITY PLANNING COMMISSION OF THE CITY OF GARLAND, STATE OF CALIFORNIA, DO HEREBY CERTIFY THAT A RESOLUTION OF "TRACT NO. 7888, CITY OF GARLAND, ALABAMA COUNTY, CALIFORNIA" WAS PRESENTED TO THE CITY PLANNING COMMISSION AS PROVIDED BY THE RESOLUTIONS ACT, THAT AT A REGULAR MEETING HELD ON APRIL 14, 2006, AND THAT THE COMMISSION APPROVED THE RESOLUTION BY THE VOTE OF _____ TO _____ AND THAT THE SAME IS SUBJECT OF ORDINANCE NO. _____

NAME: _____
ADDRESS: _____
PHONE: _____
CITY: _____ STATE: _____ ZIP: _____

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TRACT 7888

PORTION OF LOT 1, AND A PORTION OF THE ROAD 80 FEET WIDE ADJOINING SAID LOT ON THE WESTERN, AS SAID LOT AND ROAD, 80 FEET WIDE, ARE SHOWN ON THE CERTAIN TRACTS OF LANDS IN PARTITION JOHN P. COLLIER, VS. GARLAND FEMALE COLLEGE, ET AL., ACCORDING TO THE PROCEEDINGS IN CASE 12889 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN THE COUNTY OF ALABAMA

CITY OF GARLAND, COUNTY OF ALABAMA
CALIFORNIA

LAURENCE BROWN
CITY CLERK AND CLERK OF THE COUNCIL
OF THE CITY OF GARLAND, COUNTY OF
ALABAMA, STATE OF CALIFORNIA

APRIL 2006

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