

F. Fairy
City Attorney

2007 Councilmember 3: 50

OAKLAND CITY COUNCIL

Resolution No. 80813 C.M.S.

**RESOLUTION APPROVING A FINAL MAP FOR TRACT 7821 AND ACCEPTING
A DEDICATION OF A PUBLIC UTILITY EASEMENT FOR A RESIDENTIAL
SUBDIVISION AT 508 105th AVENUE**

WHEREAS, the property owners of seven (7) previously subdivided lots, Clarence C. Byal and Catherine A. Byal, husband and wife, are the Subdividers of four (4) parcels identified by the Alameda County Assessor as APN 045-5368-004-01, 045-5368-013-00, 045-5368-014-00, and 045-5368-015-00, and by the Alameda County Clerk-Recorder as Tract 7821, and by the City of Oakland as 492, 494, 496, 498, and 508 105th Avenue; and

WHEREAS, the Subdividers have acquired the fee simple interest in the real property comprising Tract 7821 through grant deeds, series no. 2002139351 and 2002139359, recorded March 28, 2002, by the Alameda County Clerk-Recorder, the limits of which encompass approximately one and three-tenths (1.30) acres of land and the location of which is near the intersection of 105th Avenue and June Court; and

WHEREAS, the Subdividers have previously applied to the City of Oakland to divide the platted land into residential lots comprising Tract 7821; and

WHEREAS, the Subdividers have previously subdivided said platted land comprising Tract 7821 into seven (7) lots, identified as parcels APN 045-5368-013-00, 045-5368-014-00, and 045-5368-015-00, through Parcel Map 8422, recorded October 5, 2005, by the Alameda County Clerk-Recorder, and said parcel APN 045-5368-004-01 through Parcel Map 8705, recorded February 6, 2006, by the Alameda County Clerk-Recorder; and

WHEREAS, the Subdividers have now proposed subdividing said parcel 045-5368-015-00 that will result in a total of eight (8) subdivided and contiguous lots; and

WHEREAS, pursuant to 66 Cal. App. 3rd 191 (1977), 55 Ops. Cal. Atty. Gen. 414, 417 (1972), and 61 Ops. Cal. Atty. Gen. 114 (1978), the Subdividers have applied to the City of Oakland for a Tentative Map (TTM 7821) and for a Final Map for Tract 7821; and

WHEREAS, the Planning Commission of the City of Oakland approved the land use entitlements (CM07051) and the Tentative Map (TTM 7821) on February 28, 2007, which proposed the subdivision of the four (4) parcels into eight (8) contiguous residential lots; and

WHEREAS, vehicle, pedestrian, and emergency vehicle access will be provided for

- two (2) lots from the public right-of-way along 105th Avenue, and for
- four (4) other lots from a private access easement within the limits of Tract 7821, and for

- two (2) other lots from contiguous private access easements, which are coterminus with a private access easement as delineated on Parcel Map 7218, recorded October 3, 2000, by the Alameda County Clerk-Recorder and which adjoins the southeastern limits of Tract 7821, that were acquired through grant deeds, series no. 2005087741 and 2005087742, recorded March 4, 2005, by the Alameda County Clerk-Recorder, and series no. 2005272426, recorded July 1, 2005, by the Alameda County Clerk-Recorder; and

WHEREAS, as a condition for approval of said Tentative Map, the City has required and the Subdivider has offered the dedication of a public utility easement within the limits of Tract 7821 which is coterminus with the boundaries of said private access easement; and

WHEREAS, the Secretary of the Planning Commission has certified to the Council of the City of Oakland that the Planning Commission approved the Tentative Map for Tract 7821, upon which the Final Map for Tract 7821 is based; and

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

- the Final Map for Tract 7821, attached hereto as Exhibit A, is substantially the same as the Tentative Map approved by the Planning Commission, and
- 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 proposed lots and easements, 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 7821; and

WHEREAS, the Subdividers are not required to construct any surface or subsurface public infrastructure improvements within the existing public right-of-way of 105th Avenue or the proposed public utility easements on-site; and

WHEREAS, the provisions of California Government Code section 66462 and Oakland Municipal Code Section 16.20.100 governing construction of required public infrastructure improvements before the recording of a Final Map are not applicable to Tract 7821; and

WHEREAS, 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: City of Oakland, have been satisfied, and that in accordance with Section 15315 of the California Code of Regulations this project is categorically exempt from the provisions of the California Environmental Quality Act; and the approval of a final map is ministerial and exempt from CEQA, now, therefore, be it

RESOLVED: That the Final Map for Tract 7821 does comply with the California Environmental Quality Act; and be it

FURTHER RESOLVED: That the Final Map for Tract 7821 is hereby approved; and be it

FURTHER RESOLVED: That the dedication of the public utility easement is hereby accepted; and be it

FURTHER RESOLVED: That the City Engineer is hereby authorized to endorse the Final Map for Tract 7821; and be it

FURTHER RESOLVED: That the City Clerk of the City of Oakland is hereby authorized to endorse the Final Map for Tract 7821, upon its execution by the City Engineer, and directed to file the fully endorsed Final Map with the Alameda County Clerk-Recorder for recordation; and be it

FURTHER RESOLVED: That this Resolution shall become effective upon the recordation of the Final Map for Tract 7821 by the Alameda County Clerk-Recorder.

IN COUNCIL, OAKLAND, CALIFORNIA, SEP 18 2007, 2007

PASSED BY THE FOLLOWING VOTE:

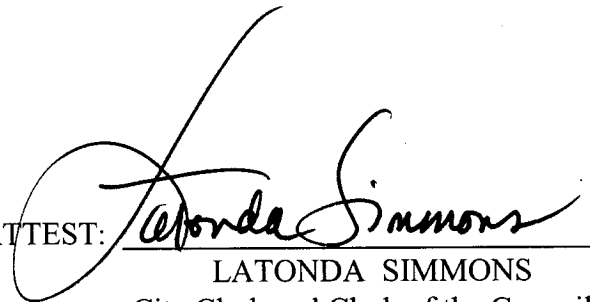
AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and
PRESIDENT DE LA FUENTE - 7

NOES - 0

ABSENT - Kernighan - 1

ABSTENTION - 0

ATTEST:



LATONDA SIMMONS

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