

Introduced by

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OFFICE OF THE CITY CLERK
OAKLAND

Approved for Form and Legality

Councilmember

2010 APR -8 PM 2:40



City Attorney

OAKLAND CITY COUNCIL

Resolution No. 82667 C.M.S.

**RESOLUTION APPROVING A FINAL MAP FOR TRACT No. 8012 LOCATED AT 6409
BENVENUE AVENUE AND CONDITIONALLY ACCEPTING IRREVOCABLE
OFFERS OF DEDICATION FROM JERRY AND MARY ANN BODDUM FOR
PUBLIC ACCESS AND PUBLIC UTILITY EASEMENTS**

WHEREAS, the developers of a new residential dwelling project, Jerry and Mary Ann Boddum, are the Subdivider of two (2) parcels identified by the Alameda County Assessor as APN 016-1411-020-00 and 016-1411-021-00, and by the Alameda County Clerk-Recorder as Tract No. 8012, and by the City of Oakland as 6409 Benvenue Avenue and 332 Alcatraz Avenue; and

WHEREAS, the Subdivider has acquired by purchase for valuable consideration the 10,500 square feet of real property comprising Tract No. 8012, as set forth in a grant deed, recorded October 5, 2006, series no. 2006375587, by the Alameda County Clerk-Recorder; and

WHEREAS, said platted land is zoned R60, Medium-High Density Residential; and

WHEREAS, the Subdivider has previously submitted an application to the Planning Department of the City of Oakland for a Tentative Map (TTM8012) to voluntarily merge and re-subdivide said platted land into the six (6) contiguous lots comprising Tract No. 8012 for construction of new detached single family dwellings; and

WHEREAS, the Subdivider has previously applied to the Building Official of the City of Oakland for permit no. RB0901453 to demolish a church located on said site; and

WHEREAS, the Planning Commission of the City of Oakland approved the environmental determination (categorically exempted) and land use entitlements (CMD09028) and the Tentative Map for the subdivision on April 1, 2009, which proposed the division of said platted land into six (6) developable "mini lots" fronting on Benvenue Avenue and Alcatraz Avenue with irrevocable offers of dedication of coterminous easements for public access and public utilities; 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 No. 8012, upon which the Final Map for Tract No. 8012 is based; and

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

- the Final Map for Tract No. 8012, attached hereto as *Exhibit A*, is substantially the same as the Tentative Map approved by the Planning Commission, and

- the Final Map for Tract No. 8012 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 ordinances (Municipal Code Title 16 - Subdivisions); and

WHEREAS, the City Engineer has further determined that the Final Map for Tract No. 8012 is technically correct and accurately delineates the metes and bounds for the proposed six (6) lots and the proposed on-site easements, the limits of which have been established by field survey and can be re-established from the monuments, property corners, radii, compass bearings, and distances shown on the Final Map; 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 specifications and plans for the construction of required surface and subsurface infrastructure improvements within the proposed on-site public easements; and

WHEREAS, the City Engineer has approved permit nos. PX0900074 and ENMI100052 and the Subdividers' plans and specifications for construction of the required infrastructure improvements, included by reference with *Exhibit B*; and

WHEREAS, pursuant to Municipal Code Chapter 12.20, the Subdivider has deposited securities in the form of surety bonds, included by reference with *Exhibit B*, and in sufficient amounts, as estimated by the City Engineer, to secure the Subdivider's performance under *Exhibit B* as a:

- guarantee that the required 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 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 by the Municipal Code; 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 the project was determined to be categorically exempt under Section 15332 of the CEQA Guidelines; now, therefore, be it

RESOLVED: That the Final Map for Tract No. 8012 complies with the requirements of the California Environmental Quality Act; and be it

FURTHER RESOLVED: That the Final Map for Tract No. 8012 is hereby conditionally approved; and be it

FURTHER RESOLVED: That the approval of the Final Map for Tract No. 8012 is hereby conditioned upon the performance by the Subdivider of its obligations to construct, warrant, and maintain required privately maintained infrastructure improvements; and be it

FURTHER RESOLVED: That the City Engineer is hereby authorized to endorse the Final Map for Tract No. 8012; and be it

FURTHER RESOLVED: That the City Clerk of the City of Oakland is hereby authorized to endorse the Final Map for Tract No. 8012, upon its execution by the City Engineer, and directed to file the fully endorsed Final Map with the Alameda County Clerk-Recorder for simultaneous recordation; and be it

FURTHER RESOLVED: That this Resolution shall become effective upon the recordation of the Final Map for Tract No. 8012; and be it

FURTHER RESOLVED: That upon issuance of a Certificate of Completion by the City Engineer for construction of the required infrastructure improvements, the irrevocable offers of dedication of the on-site public access and public utility easements are hereby accepted by the City of Oakland; and be it

FURTHER RESOLVED: That private maintenance of the required infrastructure improvements shall remain the responsibility in perpetuity of the property owners of Tract No. 8012 and their homeowners' association, both severally and jointly, and their representatives, agents, heirs, successors, and assigns.

IN COUNCIL, OAKLAND, CALIFORNIA, APR 20 2010, 2010

PASSED BY THE FOLLOWING VOTE:

AYES - ~~Brooks~~, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID,
and PRESIDENT BRUNNER - 7

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - Brooks - 1

ATTEST: 
LATONDA SIMMONS

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

Date of Attestation _____

OWNERS' STATEMENT:

THE UNDERSIGNED HEREBY STATES THAT THEY ARE THE OWNERS OF THE LAND DELINEATED AND DESCRIBED WITHIN THE EXISTING BOUNDARY LINES ON THE HERON EMBROIDERED TRACT MAP ENTITLED "TRACT MAP 8012, SAID LAND BEING IN THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA"; THAT SAID OWNERS ACQUIRED TITLE TO SAID LAND BY DEED FROM THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA; THAT SAID OWNERS HAVE TAKEN PREPARATION AND FILING OF THIS TRACT MAP.

WE ALSO HEREBY DEDICATE TO PUBLIC USE AN EASEMENT OVER LOTS 1 THROUGH 6 DELINEATED HEREOF AND DESIGNATED AS "P.A.U.C." (PUBLIC ACCESS AND UTILITY EASEMENT). SAID EASEMENT IS DEDICATED TO THE PUBLIC PURPOSE OF ACCESS TO LANDSCAPING, UTILITIES, STORM DRAINAGE AND ERECTION OF PUBLIC UTILITIES AND TO THE PERSONNEL AND FREQUENT VISITORS OF ALL TYPES. SAID EASEMENT IS TO BE KEPT OPEN AND FREE FROM APPURTENANCES OF ANY KIND EXCEPT PUBLIC SERVICE STRUCTURES, UTILITIES AND CONDUITS CONSTRUCTED OR TO BE CONSTRUCTED ON SAID EASEMENT AND ALL EXPENSES SHALL BE THE SOLE RESPONSIBILITY OF THE OWNERS OF LOTS 1 THROUGH 6 OF TRACT 8012.

THE AREA IN LOT 1, DESIGNATED AS "PRIVATE PARKING, STORM DRAINAGE AND UTILITY EASEMENT" (P.P.E.-1) IS HEREBY DEDICATED TO THE PUBLIC PURPOSE OF ACCESS TO LANDSCAPING, UTILITIES, STORM DRAINAGE AND ERECTION OF PUBLIC UTILITIES AND TO THE PERSONNEL AND FREQUENT VISITORS OF ALL TYPES. SAID AREA CAN ALSO BE USED FOR OTHER PURPOSES, SUCH AS STORM DRAINAGE, LANDSCAPING, TRASH ENCLOSURES, OTHER NEW PARKING SPACES AND UTILITY EASEMENTS. SAID AREA IS TO BE KEPT OPEN AND FREE FROM APPURTENANCES OF ANY KIND EXCEPT PUBLIC SERVICE STRUCTURES, UTILITIES AND CONDUITS CONSTRUCTED OR TO BE CONSTRUCTED ON SAID EASEMENT AND ALL EXPENSES SHALL BE THE SOLE RESPONSIBILITY OF THE OWNERS OF LOTS 1 THROUGH 6 OF TRACT 8012.

THE AREA IN LOT 2, DESIGNATED AS "PRIVATE PARKING, STORM DRAINAGE AND UTILITY EASEMENT" (P.P.E.-2) IS HEREBY DEDICATED TO THE PUBLIC PURPOSE OF ACCESS TO LANDSCAPING, UTILITIES, STORM DRAINAGE AND ERECTION OF PUBLIC UTILITIES AND TO THE PERSONNEL AND FREQUENT VISITORS OF ALL TYPES. SAID AREA CAN ALSO BE USED FOR OTHER PURPOSES, SUCH AS STORM DRAINAGE, LANDSCAPING, TRASH ENCLOSURES, OTHER NEW PARKING SPACES AND UTILITY EASEMENTS. SAID AREA IS TO BE KEPT OPEN AND FREE FROM APPURTENANCES OF ANY KIND EXCEPT PUBLIC SERVICE STRUCTURES, UTILITIES AND CONDUITS CONSTRUCTED OR TO BE CONSTRUCTED ON SAID EASEMENT AND ALL EXPENSES SHALL BE THE SOLE RESPONSIBILITY OF THE OWNERS OF LOTS 1 THROUGH 6 OF TRACT 8012.

THE AREA IN LOT 3, DESIGNATED AS "PRIVATE PARKING, STORM DRAINAGE AND UTILITY EASEMENT" (P.P.E.-3) IS HEREBY DEDICATED TO THE PUBLIC PURPOSE OF ACCESS TO LANDSCAPING, UTILITIES, STORM DRAINAGE AND ERECTION OF PUBLIC UTILITIES AND TO THE PERSONNEL AND FREQUENT VISITORS OF ALL TYPES. SAID AREA CAN ALSO BE USED FOR OTHER PURPOSES, SUCH AS STORM DRAINAGE, LANDSCAPING, TRASH ENCLOSURES, OTHER NEW PARKING SPACES AND UTILITY EASEMENTS. SAID AREA IS TO BE KEPT OPEN AND FREE FROM APPURTENANCES OF ANY KIND EXCEPT PUBLIC SERVICE STRUCTURES, UTILITIES AND CONDUITS CONSTRUCTED OR TO BE CONSTRUCTED ON SAID EASEMENT AND ALL EXPENSES SHALL BE THE SOLE RESPONSIBILITY OF THE OWNERS OF LOTS 1 THROUGH 6 OF TRACT 8012.

THE AREA IN LOT 4, DESIGNATED AS "PRIVATE PARKING, STORM DRAINAGE AND UTILITY EASEMENT" (P.P.E.-4) IS HEREBY DEDICATED TO THE PUBLIC PURPOSE OF ACCESS TO LANDSCAPING, UTILITIES, STORM DRAINAGE AND ERECTION OF PUBLIC UTILITIES AND TO THE PERSONNEL AND FREQUENT VISITORS OF ALL TYPES. SAID AREA CAN ALSO BE USED FOR OTHER PURPOSES, SUCH AS STORM DRAINAGE, LANDSCAPING, TRASH ENCLOSURES, OTHER NEW PARKING SPACES AND UTILITY EASEMENTS. SAID AREA IS TO BE KEPT OPEN AND FREE FROM APPURTENANCES OF ANY KIND EXCEPT PUBLIC SERVICE STRUCTURES, UTILITIES AND CONDUITS CONSTRUCTED OR TO BE CONSTRUCTED ON SAID EASEMENT AND ALL EXPENSES SHALL BE THE SOLE RESPONSIBILITY OF THE OWNERS OF LOTS 1 THROUGH 6 OF TRACT 8012.

THE AREA IN LOT 5, DESIGNATED AS "PRIVATE PARKING, STORM DRAINAGE AND UTILITY EASEMENT" (P.P.E.-5) IS HEREBY DEDICATED TO THE PUBLIC PURPOSE OF ACCESS TO LANDSCAPING, UTILITIES, STORM DRAINAGE AND ERECTION OF PUBLIC UTILITIES AND TO THE PERSONNEL AND FREQUENT VISITORS OF ALL TYPES. SAID AREA CAN ALSO BE USED FOR OTHER PURPOSES, SUCH AS STORM DRAINAGE, LANDSCAPING, TRASH ENCLOSURES, OTHER NEW PARKING SPACES AND UTILITY EASEMENTS. SAID AREA IS TO BE KEPT OPEN AND FREE FROM APPURTENANCES OF ANY KIND EXCEPT PUBLIC SERVICE STRUCTURES, UTILITIES AND CONDUITS CONSTRUCTED OR TO BE CONSTRUCTED ON SAID EASEMENT AND ALL EXPENSES SHALL BE THE SOLE RESPONSIBILITY OF THE OWNERS OF LOTS 1 THROUGH 6 OF TRACT 8012.

THE AREA IN LOT 6, DESIGNATED AS "PRIVATE PARKING, STORM DRAINAGE AND UTILITY EASEMENT" (P.P.E.-6) IS HEREBY DEDICATED TO THE PUBLIC PURPOSE OF ACCESS TO LANDSCAPING, UTILITIES, STORM DRAINAGE AND ERECTION OF PUBLIC UTILITIES AND TO THE PERSONNEL AND FREQUENT VISITORS OF ALL TYPES. SAID AREA CAN ALSO BE USED FOR OTHER PURPOSES, SUCH AS STORM DRAINAGE, LANDSCAPING, TRASH ENCLOSURES, OTHER NEW PARKING SPACES AND UTILITY EASEMENTS. SAID AREA IS TO BE KEPT OPEN AND FREE FROM APPURTENANCES OF ANY KIND EXCEPT PUBLIC SERVICE STRUCTURES, UTILITIES AND CONDUITS CONSTRUCTED OR TO BE CONSTRUCTED ON SAID EASEMENT AND ALL EXPENSES SHALL BE THE SOLE RESPONSIBILITY OF THE OWNERS OF LOTS 1 THROUGH 6 OF TRACT 8012.

THE AREA IN LOT 7, DESIGNATED AS "PRIVATE PARKING, STORM DRAINAGE AND UTILITY EASEMENT" (P.P.E.-7) IS HEREBY DEDICATED TO THE PUBLIC PURPOSE OF ACCESS TO LANDSCAPING, UTILITIES, STORM DRAINAGE AND ERECTION OF PUBLIC UTILITIES AND TO THE PERSONNEL AND FREQUENT VISITORS OF ALL TYPES. SAID AREA CAN ALSO BE USED FOR OTHER PURPOSES, SUCH AS STORM DRAINAGE, LANDSCAPING, TRASH ENCLOSURES, OTHER NEW PARKING SPACES AND UTILITY EASEMENTS. SAID AREA IS TO BE KEPT OPEN AND FREE FROM APPURTENANCES OF ANY KIND EXCEPT PUBLIC SERVICE STRUCTURES, UTILITIES AND CONDUITS CONSTRUCTED OR TO BE CONSTRUCTED ON SAID EASEMENT AND ALL EXPENSES SHALL BE THE SOLE RESPONSIBILITY OF THE OWNERS OF LOTS 1 THROUGH 6 OF TRACT 8012.

THE AREA IN LOT 8, DESIGNATED AS "PRIVATE PARKING, STORM DRAINAGE AND UTILITY EASEMENT" (P.P.E.-8) IS HEREBY DEDICATED TO THE PUBLIC PURPOSE OF ACCESS TO LANDSCAPING, UTILITIES, STORM DRAINAGE AND ERECTION OF PUBLIC UTILITIES AND TO THE PERSONNEL AND FREQUENT VISITORS OF ALL TYPES. SAID AREA CAN ALSO BE USED FOR OTHER PURPOSES, SUCH AS STORM DRAINAGE, LANDSCAPING, TRASH ENCLOSURES, OTHER NEW PARKING SPACES AND UTILITY EASEMENTS. SAID AREA IS TO BE KEPT OPEN AND FREE FROM APPURTENANCES OF ANY KIND EXCEPT PUBLIC SERVICE STRUCTURES, UTILITIES AND CONDUITS CONSTRUCTED OR TO BE CONSTRUCTED ON SAID EASEMENT AND ALL EXPENSES SHALL BE THE SOLE RESPONSIBILITY OF THE OWNERS OF LOTS 1 THROUGH 6 OF TRACT 8012.

THE AREA IN LOT 9, DESIGNATED AS "PRIVATE PARKING, STORM DRAINAGE AND UTILITY EASEMENT" (P.P.E.-9) IS HEREBY DEDICATED TO THE PUBLIC PURPOSE OF ACCESS TO LANDSCAPING, UTILITIES, STORM DRAINAGE AND ERECTION OF PUBLIC UTILITIES AND TO THE PERSONNEL AND FREQUENT VISITORS OF ALL TYPES. SAID AREA CAN ALSO BE USED FOR OTHER PURPOSES, SUCH AS STORM DRAINAGE, LANDSCAPING, TRASH ENCLOSURES, OTHER NEW PARKING SPACES AND UTILITY EASEMENTS. SAID AREA IS TO BE KEPT OPEN AND FREE FROM APPURTENANCES OF ANY KIND EXCEPT PUBLIC SERVICE STRUCTURES, UTILITIES AND CONDUITS CONSTRUCTED OR TO BE CONSTRUCTED ON SAID EASEMENT AND ALL EXPENSES SHALL BE THE SOLE RESPONSIBILITY OF THE OWNERS OF LOTS 1 THROUGH 6 OF TRACT 8012.

THE AREA IN LOT 10, DESIGNATED AS "PRIVATE PARKING, STORM DRAINAGE AND UTILITY EASEMENT" (P.P.E.-10) IS HEREBY DEDICATED TO THE PUBLIC PURPOSE OF ACCESS TO LANDSCAPING, UTILITIES, STORM DRAINAGE AND ERECTION OF PUBLIC UTILITIES AND TO THE PERSONNEL AND FREQUENT VISITORS OF ALL TYPES. SAID AREA CAN ALSO BE USED FOR OTHER PURPOSES, SUCH AS STORM DRAINAGE, LANDSCAPING, TRASH ENCLOSURES, OTHER NEW PARKING SPACES AND UTILITY EASEMENTS. SAID AREA IS TO BE KEPT OPEN AND FREE FROM APPURTENANCES OF ANY KIND EXCEPT PUBLIC SERVICE STRUCTURES, UTILITIES AND CONDUITS CONSTRUCTED OR TO BE CONSTRUCTED ON SAID EASEMENT AND ALL EXPENSES SHALL BE THE SOLE RESPONSIBILITY OF THE OWNERS OF LOTS 1 THROUGH 6 OF TRACT 8012.

THE AREA IN LOT 11, DESIGNATED AS "PRIVATE PARKING, STORM DRAINAGE AND UTILITY EASEMENT" (P.P.E.-11) IS HEREBY DEDICATED TO THE PUBLIC PURPOSE OF ACCESS TO LANDSCAPING, UTILITIES, STORM DRAINAGE AND ERECTION OF PUBLIC UTILITIES AND TO THE PERSONNEL AND FREQUENT VISITORS OF ALL TYPES. SAID AREA CAN ALSO BE USED FOR OTHER PURPOSES, SUCH AS STORM DRAINAGE, LANDSCAPING, TRASH ENCLOSURES, OTHER NEW PARKING SPACES AND UTILITY EASEMENTS. SAID AREA IS TO BE KEPT OPEN AND FREE FROM APPURTENANCES OF ANY KIND EXCEPT PUBLIC SERVICE STRUCTURES, UTILITIES AND CONDUITS CONSTRUCTED OR TO BE CONSTRUCTED ON SAID EASEMENT AND ALL EXPENSES SHALL BE THE SOLE RESPONSIBILITY OF THE OWNERS OF LOTS 1 THROUGH 6 OF TRACT 8012.

THE AREA IN LOT 12, DESIGNATED AS "PRIVATE PARKING, STORM DRAINAGE AND UTILITY EASEMENT" (P.P.E.-12) IS HEREBY DEDICATED TO THE PUBLIC PURPOSE OF ACCESS TO LANDSCAPING, UTILITIES, STORM DRAINAGE AND ERECTION OF PUBLIC UTILITIES AND TO THE PERSONNEL AND FREQUENT VISITORS OF ALL TYPES. SAID AREA CAN ALSO BE USED FOR OTHER PURPOSES, SUCH AS STORM DRAINAGE, LANDSCAPING, TRASH ENCLOSURES, OTHER NEW PARKING SPACES AND UTILITY EASEMENTS. SAID AREA IS TO BE KEPT OPEN AND FREE FROM APPURTENANCES OF ANY KIND EXCEPT PUBLIC SERVICE STRUCTURES, UTILITIES AND CONDUITS CONSTRUCTED OR TO BE CONSTRUCTED ON SAID EASEMENT AND ALL EXPENSES SHALL BE THE SOLE RESPONSIBILITY OF THE OWNERS OF LOTS 1 THROUGH 6 OF TRACT 8012.

THE AREA IN LOT 13, DESIGNATED AS "PRIVATE PARKING, STORM DRAINAGE AND UTILITY EASEMENT" (P.P.E.-13) IS HEREBY DEDICATED TO THE PUBLIC PURPOSE OF ACCESS TO LANDSCAPING, UTILITIES, STORM DRAINAGE AND ERECTION OF PUBLIC UTILITIES AND TO THE PERSONNEL AND FREQUENT VISITORS OF ALL TYPES. SAID AREA CAN ALSO BE USED FOR OTHER PURPOSES, SUCH AS STORM DRAINAGE, LANDSCAPING, TRASH ENCLOSURES, OTHER NEW PARKING SPACES AND UTILITY EASEMENTS. SAID AREA IS TO BE KEPT OPEN AND FREE FROM APPURTENANCES OF ANY KIND EXCEPT PUBLIC SERVICE STRUCTURES, UTILITIES AND CONDUITS CONSTRUCTED OR TO BE CONSTRUCTED ON SAID EASEMENT AND ALL EXPENSES SHALL BE THE SOLE RESPONSIBILITY OF THE OWNERS OF LOTS 1 THROUGH 6 OF TRACT 8012.

OWNER'S ACKNOWLEDGEMENT:

STATE OF CALIFORNIA)
COUNTY OF Alameda)
ON Jan 5 2010 BEFORE ME, Eric Thorne
A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED

TO ME, Mary Ann R. Boodum
WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WRITTEN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/ THEY EXECUTED THE SAME IN HIS/HER/ THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/ THEIR SIGNATURE(S) ON THE INSTRUMENT, THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE INSTRUMENT ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.
WITNESS MY HAND.
NOTARY PUBLIC
NAME: Eric Thorne
MY COMMISSION EXPIRES: March 30 2011
MY COMMISSION NUMBER: 1735493
COUNTY OF PRINCIPAL PLACE OF BUSINESS: Alameda

CITY CLERK'S STATEMENT:
I, THE UNDERSIGNED, LATONIA SIMMONS, CITY CLERK AND CLERK OF THE CITY COUNCIL OF THE CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DO HEREBY STATE THAT THIS MAP, CONSISTING OF SHEETS AND ENCLOSURES, HAS BEEN FILED FOR RECORD AND INDEXED IN THE OFFICE OF THE CITY CLERK AND THAT SAID MAP WAS FILED ON January 11, 2010 AND THAT SAID MAP IS AVAILABLE FOR PUBLIC INSPECTION AND RECORDS IN THE OFFICE OF THE CITY CLERK.

I FURTHER STATE THAT ALL AGREEMENTS AND SURETIES AS REQUIRED BY LAW TO ACCOMPANY THE MAP HAVE BEEN APPROVED BY THE CITY COUNCIL OF THE CITY OF OAKLAND AND ARE FILED IN MY OFFICE. I HEREBY ACCEPT ON BEHALF OF THE CITY OF OAKLAND, THAT AREA DESCRIBED HEREOF AS "P.A.U.C." (PUBLIC ACCESS AND UTILITY EASEMENT) AS HEREBY DEDICATED IN ACCORDANCE WITH SECTION 1612000 OF THE OAKLAND MUNICIPAL CODE.

IN WITNESS WHEREOF, I HAVE HERETO SET MY HAND THIS 11 DAY OF January 2010.
LATONIA SIMMONS, CITY CLERK AND CLERK OF THE COUNCIL
STATE OF CALIFORNIA
COUNTY OF ALAMEDA

CITY ENGINEER'S STATEMENT:
I, THE UNDERSIGNED, CITY ENGINEER, HAVING BEEN AUTHORIZED TO PERFORM THE FUNCTIONS OF THE CITY ENGINEER OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DO HEREBY STATE THAT I HAVE EXAMINED THE HEREOF EMBROIDERED TRACT MAP ENTITLED "TRACT MAP 8012, CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA," THAT THE SUBDIVISION AS SHOWN ON SAID TRACT MAP AND ANY APPROVED ALTERNATE TRACT MAPS CONFORM TO THE LOCAL ORDINANCES APPLICABLE AT THE TIME OF THE TENTATIVE TRACT MAP, AND THAT I AM SATISFIED THAT THE TRACT MAP IS TECHNICALLY CORRECT.

IN WITNESS WHEREOF, I HAVE HERETO SET MY HAND THIS 11 DAY OF January 2010.
RAYMOND M. DERIANA, R.C.E. NO. 27915
CITY ENGINEER
COUNTY OF ALAMEDA, CALIFORNIA
STATE OF CALIFORNIA
LICENSE EXPIRES 3/31/12

OWNER'S ACKNOWLEDGEMENT:
STATE OF CALIFORNIA)
COUNTY OF Alameda)
ON Jan 5 2010 BEFORE ME, Eric Thorne
A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED

TO ME, Mary Ann R. Boodum
WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WRITTEN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/ THEY EXECUTED THE SAME IN HIS/HER/ THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/ THEIR SIGNATURE(S) ON THE INSTRUMENT, THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE INSTRUMENT ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT.
WITNESS MY HAND.
NOTARY PUBLIC
NAME: Eric Thorne
MY COMMISSION EXPIRES: March 30 2011
MY COMMISSION NUMBER: 1735493
COUNTY OF PRINCIPAL PLACE OF BUSINESS: Alameda

SURVEYOR'S STATEMENT:

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SURVEYING MAP ACT AND THE REQUIREMENTS OF THE STATE OF CALIFORNIA, AND THE REQUIREMENTS OF THE SURVEYING MAP ACT AND THE REQUIREMENTS OF THE STATE OF CALIFORNIA, AND THE REQUIREMENTS OF THE SURVEYING MAP ACT AND THE REQUIREMENTS OF THE STATE OF CALIFORNIA.

I HEREBY STATE THAT THIS TRACT MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE TRACT MAP, IF ANY, I HEREBY STATE THAT THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED AND THAT THE MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.
Michael J. Foster
MICHAEL J. FOSTER, L.S. 7170
EXPIRATION DATE: DECEMBER 31, 2011



SECRETARY OF THE PLANNING COMMISSION'S STATEMENT:
I, SCOTT MILLER, SECRETARY OF THE CITY PLANNING COMMISSION OF THE CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DO HEREBY CERTIFY THAT A TENTATIVE MAP OF TRACT NO. 8012, CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, WAS FILED FOR RECORD AND INDEXED IN THE OFFICE OF THE CITY CLERK AND THAT SAID MAP IS AVAILABLE FOR PUBLIC INSPECTION AND RECORDS IN THE OFFICE OF THE CITY CLERK.

I FURTHER STATE THAT ALL AGREEMENTS AND SURETIES AS REQUIRED BY LAW TO ACCOMPANY THE MAP HAVE BEEN APPROVED BY THE CITY COUNCIL OF THE CITY OF OAKLAND AND ARE FILED IN MY OFFICE. I HEREBY ACCEPT ON BEHALF OF THE CITY OF OAKLAND, THAT AREA DESCRIBED HEREOF AS "P.A.U.C." (PUBLIC ACCESS AND UTILITY EASEMENT) AS HEREBY DEDICATED IN ACCORDANCE WITH SECTION 1612000 OF THE OAKLAND MUNICIPAL CODE.

IN WITNESS WHEREOF, I HAVE HERETO SET MY HAND THIS 11 DAY OF January 2010.
SCOTT MILLER
SECRETARY OF THE CITY PLANNING COMMISSION OF THE CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA

CLERK OF THE BOARD OF SUPERVISORS STATEMENT:
I, THE UNDERSIGNED, CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DO HEREBY STATE THAT CERTIFICATES HAVE BEEN FILED AND DEPOSITS HAVE BEEN MADE IN CONFORMANCE WITH THE REQUIREMENTS OF SECTION 86182 AND 86183 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.

IN WITNESS WHEREOF, I HAVE HERETO SET MY HAND THIS 11 DAY OF January 2010.
GENERAL LATONIA SIMMONS, CLERK OF THE BOARD OF SUPERVISORS
COUNTY OF ALAMEDA, STATE OF CALIFORNIA

RECORDER'S STATEMENT:
FILED THIS 11 DAY OF January 2010, AT OAKLAND IN BOOK 1735493 OF PARCEL MAPS, AT PAGE 1, AT THE REQUEST OF Eric Thorne, COUNTY ENGINEER.

BY: Eric Thorne, DEPUTY COUNTY RECORDER

TRACT MAP NO. 8012
FOR A 6 LOT SUBDIVISION
A PORTION OF LOTS 17 AND 18, BLOCK 2
FAIRVIEW PARK, (20 M. 28)
CITY OF OAKLAND, ALAMEDA COUNTY, CALIFORNIA
BAY AREA LAND SURVEYING INC.
JANUARY, 2010
961 MITCHELL WAY
EL SOBRANTE, CALIFORNIA 94803
(510) 223-5167

EXHIBIT A



CITY OF OAKLAND

EXHIBIT B

COMMUNITY & ECONOMIC DEVELOPMENT AGENCY
BUILDING SERVICES DIVISION
250 OGAWA PLAZA - 2nd FLOOR
OAKLAND, CA 94612

Agreement

Private Construction Of Publicly Maintained Infrastructure

[X] Public Right-Of-Way [] Public Service Easement

ADDRESS 332 Alcatraz Avenue & 6409 Benvenue Avenue MAP/APN 016-1411-020 & 021
 OWNER Jerry J. Boddum and Marv Ann R. Boddum PERMIT No. PX0900074
 ENGINEER Alan Mark Waldman EST. COST \$38,157.00
 LICENSE 38905 EXPIRES 03/31/2011 SECURITY \$38,157 & 19,073.50

DESCRIPTION Public Improvements to serve new lots of Tract 8012 at the corner of Alcatraz Avenue and Benvenue Avenue

RECITAL

The undersigned Owners hereby agree by and between themselves to remise, release, forever discharge, defend, fully indemnify, and save harmless the City of Oakland and its officers, employees, agents, and volunteers, and each of them, from the following:

- any and all actions, causes of actions, litigation, claims, and demands of whatsoever kind or nature, and any damage to real or personal property, loss of any nature, bodily injury, disease, illness, or death which may be sustained directly or indirectly by any corporation, person, persons, or other entity arising or resulting from or sustained by anything done or omitted by the Owners, owner's Engineer of Record, the owner's Contractor, or others in connection with the design, construction, maintenance, and repair of the infrastructure improvement described herein; and
- any and all actions, causes of actions, claims, and demands relating to, or because of, the execution and enforcement of the terms of this Agreement.

The Owners also hereby agree to be bound by the attached Exhibits and to comply with the conditions, requirements, and restrictions therein faithfully and fully at all times. This Agreement and attached Exhibits shall equally and fully bind all agents, heirs, successors, and assigns of the Owners.

ACKNOWLEDGEMENTS

(corporate authority and seal required)

OWNER *Jerry J. Boddum* OWNER *Mary Ann R. Boddum*
 Jerry J. Boddum Mary Ann R. Boddum
 DATE *1/5/10* DATE *1/5/10*

ATTACHMENTS

- Exhibit A - Materials and Quantities Exhibit C - Special Conditions Exhibit E - Responsibilities
 Exhibit B - General Conditions Exhibit D - Plans & Specs Exhibit F - Securities & Engr Est

DAN LINDHEIM
 City Administrator by *Raymond M. Derania* date *1/6/10*
 RAYMOND M. DERANIA
 City Engineer