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OFFICE OF THE CITY CLERK
OAKLAND

Approved for Form and Legality

2012 JUN -6 PM 4: 19

Councilmember


City Attorney

OAKLAND CITY COUNCIL

Resolution No. 83901 C.M.S.

RESOLUTION APPROVING A SUBDIVISION IMPROVEMENT AGREEMENT WITH HABITAT FOR HUMANITY OF THE EAST BAY FOR DEFERRED CONSTRUCTION OF PUBLIC INFRASTRUCTURE IMPROVEMENTS FOR THE BROOKFIELD COURT TRACT No. 8056 FINAL MAP LOCATED AT 9507 EDES AVENUE

WHEREAS, the developer of a residential dwelling project, Habitat For Humanity Of The East Bay, a California public benefit corporation (no. C1589421), is the Subdivider of a single parcel identified by the Alameda County Assessor as APN 045-5292-005-00, and by the Alameda County Clerk-Recorder as Tract No. 8056, and by the City of Oakland as 9507 Edes Avenue, and by the developer as the Brookfield Court affordable housing project; and

WHEREAS, the Subdivider has acquired by purchase for valuable consideration from the City of Oakland the real property comprising Tract No. 8056 through a grant deed, series no. 2012-014800, recorded January 17, 2012, by the Alameda County Clerk-Recorder; and

WHEREAS, the Subdivider has previously applied to the City of Oakland for a tentative map (TTM 8056) to subdivide the platted land into thirteen (13) lots comprising Tract No. 8056 for the construction of single family dwellings and appurtenant infrastructure; and

WHEREAS, the Planning Commission of the City of Oakland approved the environmental determination (exempt), land use entitlement (CMDV 10164), and tentative map for Tract No. 8056 on December 1, 2010, which proposed:

- the establishment of twelve (12) residential lots for ownership by private purchasers, and one (1) lot for common-ownership of a private road, vehicle parking, and open space; and
- the dedication to the City of Oakland of public service easements for emergency vehicle access and public utilities; and
- the dedication to the City of Oakland of real property as public right-of-way for Edes Avenue.

WHEREAS, the Secretary of the Planning Commission of the City of Oakland has certified that the Planning Commission approved the Tentative Map for Tract No. 8056, upon which said Final Map is based; and

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

- the Final Map for Tract No. 8056, 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. 8056 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 proposed metes and bounds of the property boundaries separating the proposed thirteen (13) lots and the proposed dedicated public service easements and the proposed dedicated 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 No. 8056; 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 proposed on-site public easements; and

WHEREAS, the City Engineer has approved infrastructure permit no. PX1100080 and the Subdividers' plans and specifications for construction of the required public infrastructure improvements, included by reference with *Exhibit B*; 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 for Tract No. 8056, 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, included by reference with *Exhibit A*, and in sufficient amounts, as estimated by the City Engineer, to secure the Subdivider's performance under *Exhibit B*; 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, included by reference with *Exhibit A*, 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 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 in the 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 Engineer is authorized to execute the Subdivision Improvement Agreement on behalf of the City of Oakland; 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 by the certification by the Planning Commission on December 1, 2010, that the project is exempt from CEQA pursuant to Section 15332 (infill project) and Section 15183 (consistency with an adopted General Plan); now, therefore, be it

RESOLVED: That the Subdivision Improvement Agreement with Habitat For Humanity Of The East Bay for the Final Map for Tract No. 8056 is hereby approved; and be it

FURTHER RESOLVED: That the City Attorney's approval of the Agreement and the instruments securing the Subdivider's performance under the Agreement shall be obtained prior to execution of the Agreement by the City Engineer on behalf of the City of Oakland; and be it

FURTHER RESOLVED: That the City Clerk is hereby directed to file the executed Subdivision Improvement Agreement concurrently with the fully endorsed Final Map for Tract No. 8056 for simultaneous recordation by the Alameda County Clerk-Recorder; and be it

FURTHER RESOLVED: That the City Engineer is further authorized, without returning to the City Council, to extend the time period designated in the Subdivision Improvement Agreement for completion of the public infrastructure improvements upon demonstration of good cause.

IN COUNCIL, OAKLAND, CALIFORNIA, JUN 19 2012 , 2012

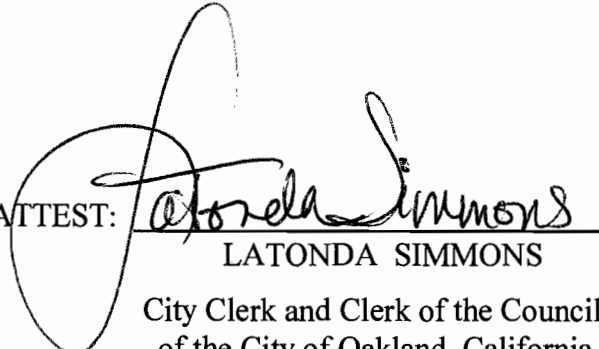
PASSED BY THE FOLLOWING VOTE:

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