

Introduced by

FILED
OFFICE OF THE CITY CLERK
OAKLAND

Approved for Form and Legality

2005 DEC -1 PH 6:44

F. Faiz

Councilmember

City Attorney

OAKLAND CITY COUNCIL

Resolution No. 79630 C.M.S.

RESOLUTION CONDITIONALLY ACCEPTING AN OFFER OF DEDICATION OF PUBLIC RIGHT-OF-WAY FOR A RELOCATED SIDEWALK AT THE ENTRANCE TO A NEW PARKING GARAGE AT 4700 LINCOLN AVENUE

Whereas, the Hellenic Community of Oakland, Greek Orthodox Cathedral of the Ascension Church, is constructing a new multiple story parking garage at 4700 Lincoln Avenue, Assessors Parcel Number 029-1009-011-02, with permit number B0303767 and also constructing companion infrastructure improvements in the adjoining public right-of-way with permit number PX0400022; and

Whereas, the existing alignment of Lincoln Avenue and the proposed configuration of the new driveway entrance into the parking garage, which will provide a vehicle turn-in lane for pedestrian and traffic safety, necessitate that the existing public sidewalk be relocated onto the abutting privately owned property and adjacent to the garage structure; and

Whereas, the Greek Orthodox Church, as owner in fee title of the abutting real property, and the City of Oakland are mutually desirous that the relocated pedestrian sidewalk adjoining the entrance into the new parking garage remain within the public right-of-way; and

Whereas, the Greek Orthodox Church is amenable to and desirous of dedicating to the City of Oakland for use as public right-of-way that portion of its real property that will contain the relocated pedestrian sidewalk; and

Whereas, the Greek Orthodox Church is further amenable to and desirous of irrevocably offering its real property to the City of Oakland and retaining the underlying fee title interest; and

Whereas, pursuant to California Streets and Highways Code sections 5600 and 5610, the Greek Orthodox Church acknowledges its responsibility for maintaining, repairing, and replacing all public sidewalk, curb, and gutter that abuts its real property; and

Whereas, pursuant to article II, section 219.6 of the Charter of the City of Oakland, the acquisition of real property may be by an action other than adoption of an ordinance whenever the purchase price is not more than five thousand dollars (\$5,000.00); and

Whereas, pursuant to Ordinance 11836 C.M.S., acquisition of real property shall not be by an action of the Manager of Real Estate Services whenever the use is not associated with a public service easement or the underlying fee title interest is not purchased by the City; and

Whereas, pursuant to California Government Section 7050, a City may accept an offer of dedication of real property for any public purpose, including use as public right-of-way for streets and pedestrian sidewalks; now, therefore, be it

Resolved, that the irrevocable offer of dedication of public right-of-way, as delineated in Exhibits A and B attached hereto, by the Greek Orthodox Church to the City of Oakland is hereby accepted conditionally; and be it

Further Resolved, that the Greek Orthodox Church shall retain for itself and preserve for its heirs, successors, assigns, and representatives possession of the underlying fee title interest of the dedicated public right-of-way; and be it

Further Resolved, that this acceptance of public right-of-way by the City is conditioned upon final acceptance by the Building Official of the permit for construction of the parking garage and final acceptance by the City Engineer of the permit for construction of the relocated sidewalk and companion right-of-way infrastructure improvements; and be it

Further Resolved, that pursuant to California Government Code section 7050, this acceptance of public right-of-way is further conditioned upon recordation by the Greek Orthodox Church with the Alameda County Recorder of its irrevocable offer of dedication of public right-of-way; and be it

Further Resolved, that pursuant to California Government Code sections 5600 and 5610, the Greek Orthodox Church and its heirs, successors, assigns and representatives shall remain responsible for the maintenance, repair, and replacement of the sidewalk, curb, and gutter abutting its real property.

IN COUNCIL, OAKLAND, CALIFORNIA, DEC 20 2005, 2005

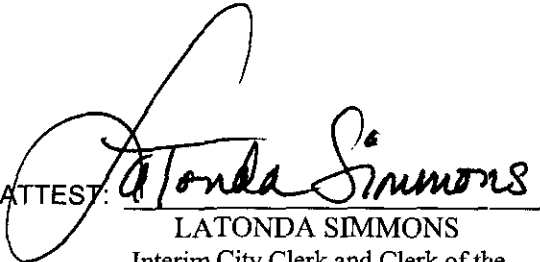
PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, PRESIDENT DE LA FUENTE - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST: 
LATONDA SIMMONS

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

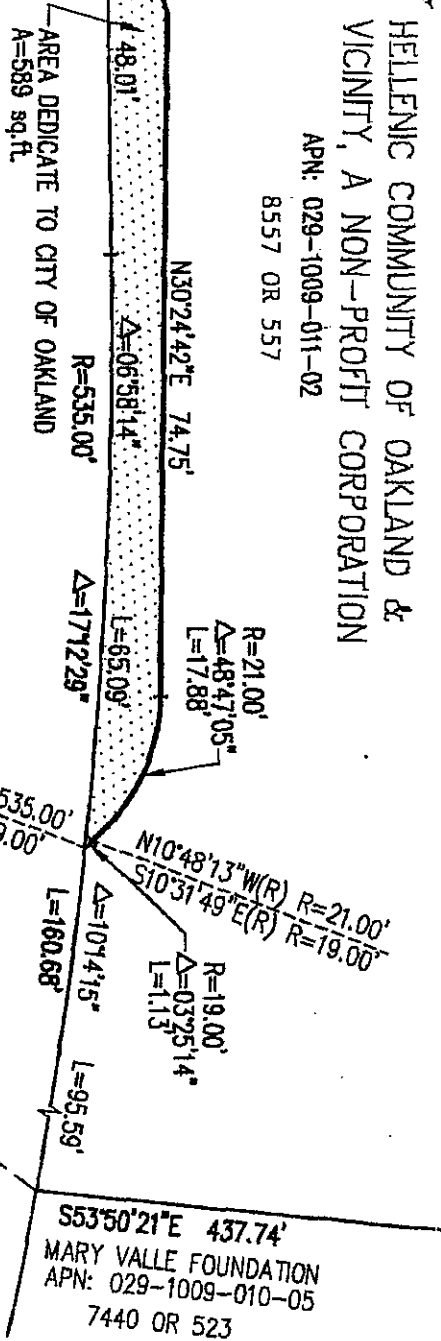
Exhibit A

Location And Limits Of The Proposed Dedication Of Public Right-Of-Way

HELLENIC COMMUNITY OF OAKLAND &
VICINITY, A NON-PROFIT CORPORATION

APN: 029-1009-011-02
8557 OR 557

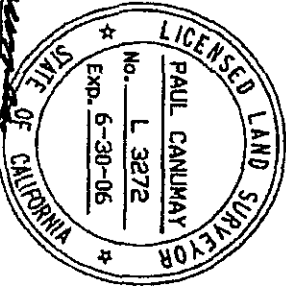
LINCOLN AVENUE
(RIGHT OF WAY WIDTH VARIES)



PLAT TO ACCOMPANY LEGAL DESCRIPTION
RIGHT OF WAY DEDICATION

CHapel, PARKING AND SITE
Greek Orthodox Cathedral of the Ascension
4700 Lincoln Avenue, Oakland, Ca. 94602
CITY OF OAKLAND, ALAMEDA, CALIFORNIA
APRIL 25, 2004 SCALE: 1"=20'

Prepared By
Luk and Associates
Civil Engineers-Land Planners-Land Surveyors
738 Alfred Nobel Drive
Hercules, California 94547
Tel.(510)724-3388 Fax.(510)724-3383



PAUL CANUNAY
LS 3272, EXP. 06/30/2006

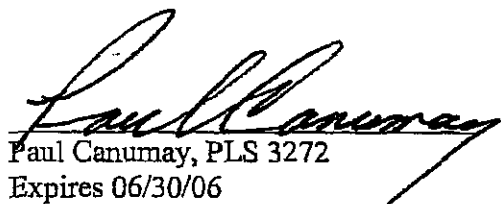
Exhibit B

Legal Description of the Proposed Dedication Of Public Right-Of-Way

A parcel of land located within the property described in the Deed recorded on December 31, 1957 in Book 8557 of Official Records, Page 557, in the Office of the Alameda County Recorder, State of California, more particularly described as follows:

Commencing at northern most corner of the parcel of land described in the Deed recorded in October of 1954 in Book 7440 of Official Records, Page 523, in the Office of the Alameda County Recorder, State of California; thence, along the easterly line of Lincoln Avenue, along a 535.00 foot radius curve to the left, with the radius point bearing North $43^{\circ}50'09''$ West from the beginning of this curve, through a central angle of $10^{\circ}14'15''$ and an arc length of 95.59 feet to the **Point of beginning**; thence, along the easterly line of Lincoln Avenue, along a 535.00 foot radius compound curve to the left, through a central angle of $06^{\circ}58'14''$ and an arc length of 65.09 feet; thence, along the easterly line of Lincoln Avenue, North $28^{\circ}57'21''$ East a distance of 48.01 feet; thence, leaving the easterly line of Lincoln Avenue, South $12^{\circ}43'31''$ West a distance of 22.76 feet; thence South $30^{\circ}24'42''$ West a distance of 74.75 feet; thence along a 21.00 foot radius curve to the right, tangent to the previous course, through a central angle of $48^{\circ}47'05''$ and an arc length of 17.88 feet; thence along a 19.00 foot radius curve to the left, with the radius point bearing South $10^{\circ}31'49''$ East from the beginning of this curve, through a central angle of $03^{\circ}25'14''$ and an arc length of 1.13 feet to the **Point of Beginning**.

Prepared by Luk and Associates


Paul Canumay, PLS 3272
Expires 06/30/06

Date: 4-25-05



This real property description has been prepared by me or under my direction in conformance with the Professional Land Surveyors Act.