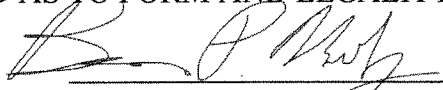


2023 SEP 11 PM 3:48
FILED
OFFICE OF THE CITY CLERK
OAKLAND

APPROVED AS TO FORM AND LEGALITY


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 90838 C.M.S.

A RESOLUTION ACCEPTING AN IRREVOCABLE OFFER OF DEDICATION FOR PUBLIC SIDEWALK PURPOSES FROM TWO QUARTS DOWN, LLC AND 499 EMBARCADERO, LLC AT 499 EMBARCADERO AND 5TH AVENUE; AND MAKING CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

WHEREAS, the City of Oakland, a California municipal corporation ("City"), and Two Quarts Down, LLC, a California limited liability company, and 499 Embarcadero LLC, a California limited liability company (collectively, "Grantors") are the owners of the property located at 499 Embarcadero, identified by the Alameda County Assessor as APN 018-0460-001; and

WHEREAS, the Grantors recorded an Irrevocable Offer of Dedication for Public Sidewalk Purposes on May 15, 2023, Alameda County Recorder Series Number 2023054634; and

WHEREAS, at the time of the improvements for the Brooklyn Basin Project were constructed, the 5th Avenue existing improvements at the intersection of Embarcadero and 5th Avenue did not conform to the proposed improvements required for this intersection, where a new grade crossing traffic signal was required per the Development Agreement associated with the Brooklyn Basin project; and

WHEREAS, specifically, an ADA accessible ramp had to be installed at the SSW corner of this intersection to construct the crosswalk at this intersection, of which approximately 41 square foot of that curb ramp is constructed within private property; and

WHEREAS, the 41 square feet of improvements needs to be dedicated to the City in order to ensure public access to this portion of the sidewalk.

WHEREAS, these improvements needed to be completed immediately at the time to allow pedestrian access and address safety obligations at the intersection; and

WHEREAS, now the Grantors and the City desire to have these private property improvements irrevocably dedicated to the City to enable public access to the entirety of the public sidewalk improvements; and

WHEREAS, application and fees to process the Irrevocable Offer of Dedication were received by the City Engineer (permit number PPE2100052); and

WHEREAS, as set forth in the California Government Code section 7050 (Dedication of Real Property for Public Purposes) provides for owners to dedicate real property for any public purpose, including for access to public sidewalk by means of an access easement, and City Council may accept an offer by adopting a resolution or ordinance, or reject an offer by summary vacation (Streets and Highways Code section 8300); and

WHEREAS, the requirements of the California Environmental Quality Act ("CEQA"), have been satisfied, due to the fact the project qualifies for exemptions from the requirement of CEQA pursuant to Public Resources Code section 21080(b)(1) and CEQA Guidelines section 15268 (Ministerial Projects); and

WHEREAS, in addition, this action complies with CEQA because the City approved and appropriately analyzed the environmental impacts of the improvements in question as part of the entitlements for the Brooklyn Basin Project, which was analyzed under the 2009 Brooklyn Basin (formerly "Oak to Ninth Avenue Project") Environmental Impact Report ("2009 EIR"); and

WHEREAS, this action implements the previously approved entitlements that were analyzed under the 2009 EIR; and

WHEREAS, there are no circumstances pursuant to CEQA Guidelines sections 15162 or 15164 that would necessitate further environmental review; and therefore, be it

RESOLVED: That pursuant to California Government Code section 7050, the City hereby accepts the Irrevocable Offer of Dedication for a public access easement, as described and delineated in Exhibit A of approximately 40.74 square feet, for public sidewalk purposes at 499 Embarcadero, which is comprised of the easterly corner of 5th Avenue and Embarcadero; and be it

FURTHER RESOLVED: That the City Engineer is hereby authorized to file a certified copy of the resolution along with a copy of the Irrevocable Offer of Dedication with the Alameda County Clerk-Recorder for recordation; and be it

FURTHER RESOLVED: That this Resolution satisfies the requirements of CEQA pursuant to Public Resources Code section 21080(b)(1) and CEQA Guidelines section 15268 (Ministerial Projects); and, in addition, this action complies with CEQA because the City approved and appropriately analyzed the environmental impacts of the improvements in question as part of the entitlements for the Brooklyn Basin Project, which was analyzed under the 2009 Brooklyn Basin (formerly "Oak to Ninth Avenue Project") 2009 EIR, and this action implements the previously approved entitlements that were analyzed under the 2009 EIR; and be it

FURTHER RESOLVED: That the City Administrator is hereby authorized to file with the Clerk of the County of Alameda and the California State CEQA Clearinghouse a Notice of Exemption or Notice of Determination, as appropriate, that reflects this resolution complies with CEQA; and be it

FURTHER RESOLVED: That this Resolution shall be effective upon its adoption by a sufficient affirmative vote of the elected members of Council of the City of Oakland, as provided in the Charter of the City of Oakland.

IN COUNCIL, OAKLAND, CALIFORNIA,

SEP 15 2025

PASSED BY THE FOLLOWING VOTE:

AYES - BROWN, FIFE, GALLO, HOUSTON, RAMACHANDRAN, UNGER, WANG AND
PRESIDENT JENKINS - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:



ASHA REED

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

Exhibit A: Irrevocable Offer of Dedication

EXHIBIT A
Irrevocable Offer of Dedication
(Attached Separately)

RECORDING REQUESTED BY
FIRST AMERICAN TITLE

2023131-09

RECORDING REQUESTED BY:

Order No.
Escrow No.

WHEN RECORDED MAIL TO:

CITY OF OAKLAND
Public Works Agency, Department of Transportation
Dalziel Admin Building
250 Ogawa Plaza - 4th Floor
Oakland, CA 94612
Attn: Fred Kelley, Assistant Director

MAIL TAX STATEMENTS TO:

City of Oakland
250 Frank H. Ogawa Plaza, Suite 3330
Oakland, CA 94612
Attn: City Administrator

2023054634

05/15/2023 09:34 AM

7 PGS

OFFICIAL RECORDS OF ALAMEDA COUNTY
MELISSA WILK, CLERK-RECORDER
RECORDING FEES: \$0.00

**ELECTRONICALLY RECORDED**

ASSESSOR'S PARCEL NO.: 018-0460-001

ABOVE THIS LINE FOR RECORDER'S USE

The undersigned grantor(s) declare(s) pursuant to R&T Code 11922 that no tax is due upon recordation of this Irrevocable Offer of Dedication based on consideration paid less than \$100.

Exempt from recording fees pursuant to California Government Code Section 27383.

County Transfer tax is \$0.00

City transfer tax is \$0.00

IRREVOCABLE OFFER OF DEDICATION

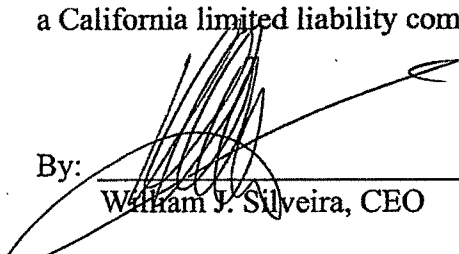
FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Two Quarts Down, LLC, a California limited liability company, and 499 Embarcadero, LLC, a California limited liability company (collectively, "**Grantors**"), hereby IRREVOCABLY offer to dedicate to the CITY OF OAKLAND, A MUNICIPAL CORPORATION, a non-exclusive easement for the construction, maintenance, repair and replacement of intersection and sidewalk improvements for pedestrian access, ingress and egress, and all incidents related thereto, including, but not limited to the construction, maintenance repair, removal and replacement of the necessary intersection and sidewalk improvements (the "**Easement**"), over and across real property owned in fee by the Grantors (as tenants in common) and located in the County of Alameda, State of California, more particularly described in the Exhibit A and as such Easement is depicted on Exhibit B, attached hereto and incorporated by this reference.

[Signatures continued on next page]

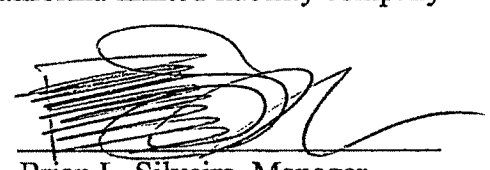
Dated: 4-21-23

Grantors:

Two Quarts Down, LLC,
a California limited liability company

By: 
William J. Silveira, CEO

499 Embarcadero, LLC,
a California limited liability company

By: 
Brian L. Silveira, Manager

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF Alameda)

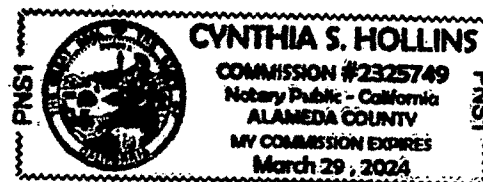
On this 21st day of April, 2023, before me, Cynthia S. Hollins, Notary Public, personally appeared William J. Silveira who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the 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 person(s) 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 and official seal.

Signature: Cynthia S. Hollins

Comm # 2325749
exp date: March 29,
(Seal) 2024



A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA)
COUNTY OF Alameda)

On this 1st day of January, 2023, before me, Amanda Hernandez, Notary Public, personally appeared Brian L. Silveira who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within 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 person(s) 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 and official seal.

Signature: [Signature]

(Seal)

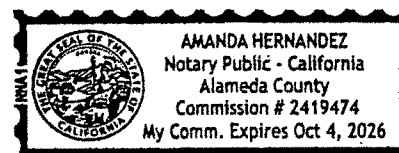


Exhibit A
Legal Description of Easement

[See attached.]



ENGINEERS
SURVEYORS
PLANNERS

EXHIBIT A

All that real property situate in the City of Oakland, County of Alameda, State of California, being a portion of the lands of Silveira, as said lands are described in that certain Grant Deed recorded December 6, 2013 in Document Number 2013377709, Official Records of Alameda County, more particularly described as follows:

BEGINNING at the most easterly corner of said lands of Silveira, also being a point on the southerly line of Embarcadero; thence westerly along said southerly line of Embarcadero, North $61^{\circ}43'52''$ West, 26.743 feet to the **TRUE POINT OF BEGINNING**;

thence continuing along said southerly line, North $61^{\circ}43'52''$ West, 14.21 feet to the beginning of a non-tangent curve to the right, from which point a radial line, from the curve to the radius point bears South $43^{\circ}01'11''$ West;

thence southeasterly along said curve having a radius of 24.00 feet, through a central angle of $32^{\circ}38'32''$ and an arc length of 13.67 feet to the northwesterly line of a Community Roadway Easement recorded February 28, 2005 in Document Number 2005077956, Official Records of Alameda County;

thence along said northwesterly line, North $49^{\circ}10'19''$ East, 7.45 feet to the **TRUE POINT OF BEGINNING**, containing an area of 41 square feet, more or less.

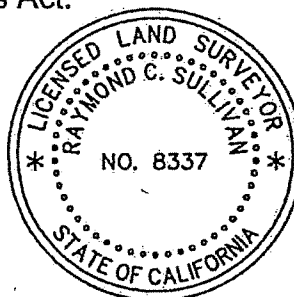
Basis of Bearings: All bearings shown on this survey are based on upon the California Coordinate System of 1983 (CCS83), Epoch 1986, Zone III. Held record CCS83 coordinate Northing = 2115136.166, Easting = 6052732.398, at point "SHIP", and the calculated bearing South $72^{\circ}09'16''$ East to point "H133" having CCS83 coordinate Northing = 2114243.395, Easting = 6055505.473. The two monuments, "SHIP" and "H133" are shown on the Record of Survey of the port area of the City of Oakland, R/S No. 1847, filed for record on November 8, 2004 in Book 29 of Records of Survey at pages 23 through 26, Alameda County Records, State of California. All distances are ground distances. To obtain grid distances, multiply ground distances shown by 0.9999293.

A plat showing the above-described parcel is attached hereto and made apart hereof as "Exhibit B".

This description was prepared by me or under my direction in conformance with the requirements of the Land Surveyor's Act.

Raymond C Sullivan

Raymond C Sullivan
P.L.S. 8337



03/17/15
Date

END OF DESCRIPTION

J:\Sur13\130175\Plats\ (2015-03-17)AccessEsmt.docx

Exhibit B
Plat of Easement

[See attached.]

"EXHIBIT B"**EMBARCADERO**AREA=
40.74 SQ.FT.±

N61°43'52"W 14.21'

R=24.00'
Δ=32°38'32"
L=13.67'

T.P.O.B.

N61°43'52"W 26.743'

P.O.B.

LANDS OF SILVEIRA
DN 2013377709**LEGEND**

DN	DOCUMENT NUMBER
P.O.B.	POINT OF BEGINNING
(R)	RADIAL BEARING
T.P.O.B.	TRUE POINT OF BEGINNING

1"=10'

60' COMMUNITY ROADWAY
EASEMENT
DN 2005077956**5TH AVENUE**300 FRANK OGAWA PLAZA
SUITE 380
OAKLAND, CA 94612
510-227-3011Subject **EXHIBIT B**Job No. 20130175-53By RCS/RAB Date 03/17/15 Chkd. RCSSHEET 1 OF 1