



CITY OF OAKLAND

AGENDA REPORT

TO: Edward D. Reiskin
City Administrator

FROM: Ryan Russo
Director, DOT

SUBJECT: Accept Irrevocable Offer of Dedication
389 9th Avenue

DATE: January 15, 2021

City Administrator Approval

Date:

Feb 2, 2021

RECOMMENDATION

Staff Recommends That The City Council Approve A Resolution Accepting An Irrevocable Offer Of Dedication For Public Sidewalk Purposes From The City Of Oakland And The Housing Authority of Oakland Collectively The Parcel A Owners Of 389 9th Avenue.

EXECUTIVE SUMMARY

The City of Oakland, a municipal corporation, and the Housing Authority of the City of Oakland, California, a public body corporate and politic, collectively the "Parcel A Owners" of the property located at 389 9th Avenue, identified by Assessor's Parcel Number 018-0465-012, and as Parcel A on Tract Map 7621, states that each owner has an undivided fifty percent interest in the real property. The Parcel A Owners recorded an Irrevocable Offer of Dedication for Public Sidewalk Purposes (Parcel A) on December 9, 2020, Alameda County Recorder Series Number 2020-344299, creating an additional two feet of public sidewalk width adjacent to Parcel A on 9th Street. Approval of the proposed resolution will accept the offer of dedication for public sidewalk purposes.

BACKGROUND/ LEGISLATIVE HISTORY

Brooklyn Basin is a new 64-acre development currently under construction on Oakland's estuary that includes over 3,000 new residential units, 200,000 square feet of commercial space, and 30 acres of parks and open spaces. The project necessitated subdivision mapping, and the Brooklyn Basin Phase 1 Tract Map 7621 created Parcels A, B and C, and required a certain amount of associated subdivision improvements, including sidewalk, landscaping, and roadway construction on 9th Avenue. While subdivision improvement plans were under review, it was determined that an additional two feet in sidewalk width along 9th Avenue adjacent to Parcel A was necessary to accommodate the frontage improvements for street trees, landscaping and sidewalk. The area for street trees, landscaping and sidewalk was constructed in accordance with the approved subdivision improvement permit plans (PX1400059) for this subdivision by the Master Developer with the understanding the Owners of Parcels A, B and C

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would record individually the dedication for the two-foot-wide sidewalk easement along 9th Avenue.

The length of the sidewalk easement for Parcel A is approximately 314 feet beginning from the intersection of Clinton Way and 9th Avenue. The area of the sidewalk easement is approximately 713 square feet.

The Owners of Parcel B recorded the additional two-foot-wide sidewalk easement on Parcel Map 10765 for Condominium purposes. The Owners of Parcel C will record the additional two-foot sidewalk easement at the time they record their Parcel Map for Condominium purposes or through a separate offer of dedication.

ANALYSIS AND POLICY ALTERNATIVES

This action is necessary to provide public access to the full width of the improvements that are intended for public use on 9th Avenue. The full design width of the improvements was finalized after the right-of-way width was established for 9th Avenue, so approval of the proposed resolution ensures that the public use of the sidewalk here will go unhindered. Denial of the resolution would leave the limit of public access, the existing right-of-way line, in the middle of an existing sidewalk, creating an awkward property issue, a liability for the adjacent property owner, and a legally public sidewalk that is narrower than the City's current standards (public portion of sidewalk would be 4 feet wide, City's requirement is 6 feet wide).

California Government Code section 7050 (Dedication of Real Property for Public Purposes) provides for owners to dedicate real property for any public purpose, including utility easements. The 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). The City Council has previously approved similar dedications throughout Oakland.

Accepting the Irrevocable Offer of Dedication and directing the City Engineer to record the resolution with the Alameda County Recorder will allow the public to use the full width of the sidewalk along 9th Avenue fronting Parcel A.

FISCAL IMPACT

Staff cost for processing the Irrevocable Offer of Dedication is covered by the Master Fee Schedule (permit number PPE2000053) and paid for by the Subdivider for the Brooklyn Basin project.

PUBLIC OUTREACH/ INTEREST

The adjoining property owners were notified of the Brooklyn Basin project and related utilities as part of the initial Tentative Tract Map and Final Map approval process.

COORDINATION

The Office of the City Attorney has reviewed the resolution for form and legality, and the Budget Bureau has reviewed this agenda report.

SUSTAINABLE OPPORTUNITIES

Economic: This action is administrative; no economic opportunities are identified.

Environmental: This action is administrative; no environmental opportunities are identified.

Race and Equity: This action is administrative; no race and equity opportunities are identified.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

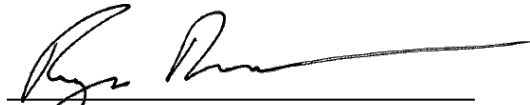
This project is exempt under the California Environmental Quality Act ("CEQA"), under CEQA Guidelines Sections 15301 (existing facilities) and 15332 (infill projects) since accepting the offer of dedication would lead to minor alteration of existing facilities and minor changes to a fully entitled project.

ACTION REQUESTED OF THE CITY COUNCIL

Staff Recommends That The City Council Approve A Resolution Accepting An Irrevocable Offer Of Dedication For Public Sidewalk Purposes From The City Of Oakland And The Housing Authority of Oakland, Collectively The Parcel A Owners, Of 389 9th Avenue.

For questions regarding this report, please contact Joseph Grassick, Supervising Civil Engineer at (510) 238-6203.

Respectfully submitted,



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