CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO.	C.M.S.

RESOLUTION ACCEPTING IRREVOCABLE OFFER OF DEDICATION FOR PUBLIC STORM DRAIN PURPOSES FROM THE CITY OF OAKAND AS THE PROPERTY OWNER OF 3511 EAST 12TH STREET, AND MAKING CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

WHEREAS, the City of Oakland, a municipal corporation ("City"), owns property identified by the Alameda County Assessor as APN 33-2197-019-01, and by the City as 3511 East 12th Street; and

WHEREAS, the City recorded an Irrevocable Offer of Dedication for Public Storm Drain Purposes on August 9, 2022, by the Alameda County Recorder as Instrument No. 2022140090, together with a Consent and Subordination record on August 18, 2022, as Instrument No. 2022144870; and

WHEREAS, application and fees to process the Irrevocable Offer of Dedication were received by the City Engineer (permit number PPE2100051); and

WHEREAS, California Government Code Section 7050 (Dedication of Real Property for Public Purposes) provides that owners may dedicate real property for any public purpose, including utility and drainage easements, and City Council may accept an offer by adopting a resolution or ordinance; and

RESOLVED: That pursuant to California Government Code Section 7050, the Irrevocable Offer of Dedication as described and delineated in the attached **Exhibit A** of approximately 5,429 square feet for public storm drain purposes located at 3511 East 12th Street is hereby accepted; and be it

FURTHER RESOLVED: That the action detailed in this Resolution is exempt under the California Environmental Quality Act Section 15304 as a minor alteration to land; 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.

N COUNCIL, OAKLAND, CALIFORNIA,
PASSED BY THE FOLLOWING VOTE:
AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, REID, RAMACHANDRAN, AND PRESIDENT FORTUNATO BAS
NOES –
ABSENT –
ABSTENTION –
ATTEST:
ASHA REED
City Clerk and Clerk of the Council of the

City of Oakland, California

Exhibit A

Recorded Irrevocable Offer of Dedication

[Attached]

Recorded at the Request of Old Republic Title Company - Oakland

2022140090

08/09/2022 12:08 PM

19 PGS

OFFICIAL RECORDS OF ALAMEDA COUNTY

MELISSA WILK, CLERK-RECORDER RECORDING FEES: \$0.00

RECORDING REQUESTED BY AND WHEN RECORDED MAIL TO:

City of Oakland Department of Public Works 250 Frank Ogawa Plaza Oakland, California 94612 Attn: City Engineer

ELECTRONICALLY RECORDED

ASSESSOR'S PARCEL NO.: 033-2197-019-01

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 for Public Storm Drain Purposes 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 PUBLIC STORM DRAIN PURPOSES (Fruitvale Transit Village IIB)

THE CITY OF OAKLAND, a municipal corporation (the "City"), owns certain real property located in the City of Oakland, County of Alameda, State of California and more particularly described on Exhibit A attached hereto and incorporated herein by this reference (the "Property").

FOR GOOD AND VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, the City does hereby irrevocably offer to dedicate to itself on behalf of the public, pursuant to California Government Code Section 7050, a portion of the Property more particularly described on Exhibit B attached hereto and incorporated herein by this reference (the "Public Storm Drain Area"), for public storm drain purposes through, over, under, across, and upon the Public Storm Drain Area. Public storm drain purposes shall include, without limitation, the right to install, construct, remove, repair, replace, reconstruct, maintain and use any and all materials, fixtures, appliances, equipment, pipes, pipelines, and appurtenances necessary for the public storm drain system. Notwithstanding anything contained herein to the contrary, (a) all such facilities shall be installed underground within the Public Storm Drain Area; however, above-ground utility boxes and above-ground covers for underground facilities are permitted, and (b) no such facilities shall be installed within the Public Storm Drain Area without first obtaining all required permits and approvals from the City.

Dated: August 8, 2022

[Signatures on next page]

OWNER:

THE CITY OF OAKLAND, a municipal corporation

By:

Edward D. Reiskin City Administrator

Approved as to Form and Legality:

By:

JoAnne Dunec

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 docum	nent.	
State of California County of Alar	meda)
On June 22, 2022	before me,	Winnie Woo, Notary Public (insert name and title of the officer)
		(insert name and title of the officer)
personally appeared _	Edward D. Reiskin	
subscribed to the within his/her/their authorized person(s), or the entity	in instrument and acknown deapacity(ies), and that by upon behalf of which the TY OF PERJURY under the control of the control	evidence to be the person(s) whose name(s) is/are viedged to me that he/she/they executed the same in by his/her/their signature(s) on the instrument the e person(s) acted, executed the instrument. The laws of the State of California that the foregoing
WITNESS my hand ar	nd official seal.	WINNIE WOO Notary Public - California Alameda County Commission # 2310783 My Comm. Expires Nov 24, 2023
Signature V /	V V V V V V V V V V V V V V V V V V V	(Seal)

Exhibit A Legal Description of Property

The land referred to is situated in the County of Alameda, City of Oakland, State of California, and is described as follows:

Parcel A, pursuant to Certification for Parcel Map Waiver, recorded April 28, 2017, Series No. 2017109163, Official Records, more particularly described as follows:

All that portion of the map entitled "Levy and Lane Tracts" filed in the Office of the County Recorder of Alameda County in Book 2 of Maps at Page 69, together with all that portion of the map entitled "C.C.Clay's Subdivision" filed in said Office of the County Recorder in Book 11 of Maps at Page 59, together with all that portion of the map entitled "Map of Syndicate Investment Companys" filed in said Office of said County in Book 14 of Maps at Page 19, together with that portion of the map entitled "Map of the Fruitvale Terminal Tract" filed in said Office of said County in Book 15 of Maps at Page 41, together with that portion of East 12th Street and 36th Avenue as said Street and Avenue formerly existed, together with all that portion of East 12th Street as it now exists, described as follows:

Lot 11 and a portion of Lot 12 as described in that certain Certification for Parcel Map Waiver No. 99-11 by the City of Oakland, recorded August 20, 1999 as Instrument No. 99321346, Alameda County Records, more particularly described as follows:

Commencing at the intersection of the southwestern line of the Union Pacific Railroad Right of Way with the southeastern line of 35th Avenue; thence along the southeastern line of said 35th Avenue North 32° 06′ 18″ East, 156.91 feet to the Point of Beginning; thence from said Point of Beginning, continuing along the last said line and its northeasterly extension, North 32° 06′ 18″ East, 48.09 feet; thence North 32° 06′ 16″ East, 80.00 feet; thence North 32° 06′ 01″ East, 179.68 feet; thence easterly along a curve having a radius of 20.00 feet, concave to the south, through a central angle of 91° 22′ 22″, an arc length of 31.90 feet to a point of compound curvature; thence southeasterly along a compound curve having a radius of 400.00 feet, concave to the southwest, through a central angle of 25° 25′ 42″ an arc length of 177.52 feet; thence South 31° 05′ 55″ East, 68.06 feet; thence South 31° 05′ 27″ East, 66.04 feet; thence South 37° 06′ 51″ West, 258.91 feet; thence North 52° 53′ 09″ West, 72.31 feet; thence North 52° 50′ 46″ West, 171.88 feet; thence North 37° 09′ 14″ East, 8.00 feet; thence North 52° 50′ 46″ West, 45.96 feet to the Point of Beginning.

APN 033-2197-019-01

Exhibit B Legal Description and Plat of Public Storm Drain Area

[See attached.]

EXHIBIT "A" LEGAL DESCRIPTION FOR OFFER OF DEDICATION FOR STORM DRAIN

BEING A PORTION OF PARCEL A, FRUITVALE TRANSIT VILLAGE II-B

ALL THAT CERTAIN REAL PROPERTY, SITUATE IN THE CITY OF OAKLAND, ALAMEDA COUNTY, STATE OF CALIFORNIA, BEING A PORTION OF PARCEL A, AS DESCRIBED IN THAT CERTAIN GRANT DEED FILED APRIL 28, 2017 AS DOCUMENT NUMBER 2017-095164, OFFICIAL RECORDS OF ALAMEDA COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHEASTERLY CORNER OF SAID PARCEL A, THENCE ALONG THE EASTERLY LINE OF SAID PARCEL, SOUTH 37°06'51" WEST 232.12 FEET; THENCE SOUTH 43°50'41" WEST 26.98 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID PARCEL:

THENCE ALONG THE SOUTHERLY LINE OF SAID PARCEL, NORTH 52°53'09" WEST 10.07 FEET:

THENCE LEAVING SAID LINE NORTH 43°50'41" EAST 25.74 FEET;

THENCE NORTH 53°08'13" WEST 213.67 FEET;

THENCE NORTH 60°16'37" WEST 67.51 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY OF 35TH AVENUE, 60 FEET IN WIDTH;

THENCE ALONG SAID RIGHT OF WAY, NORTH 32°06'18" EAST 10.01 FEET;

THENCE LEAVING SAID RIGHT OF WAY, SOUTH 60°16'37" EAST 67.71 FEET:

THENCE SOUTH 53°08'13" EAST 214.56 FEET;

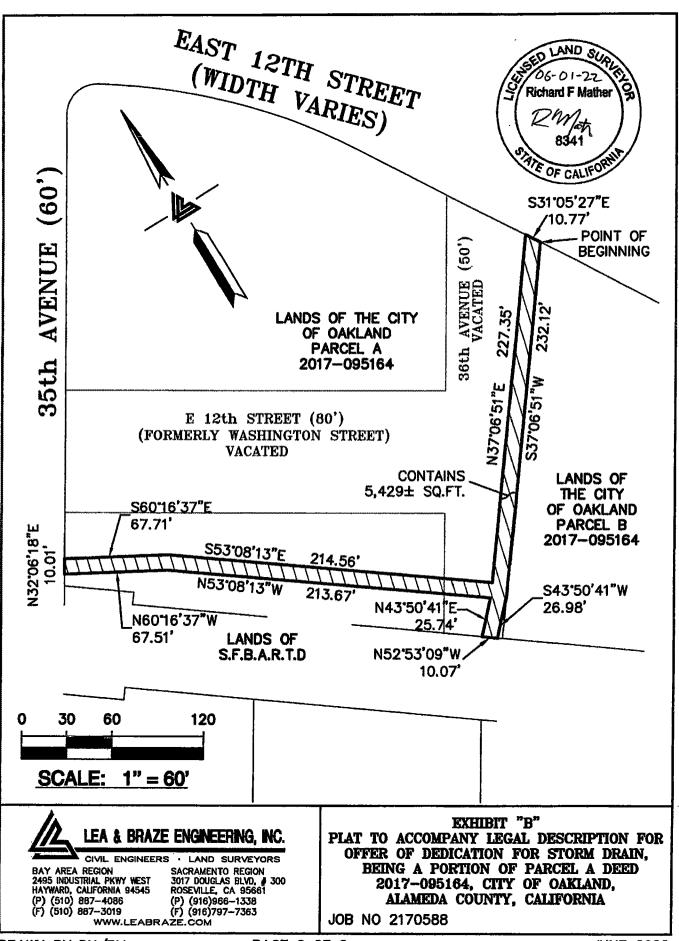
THENCE NORTH 37°06'51" EAST 227.35 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY OF EAST 12TH STREET, WIDTH VARIES;

THENCE ALONG SAID RIGHT OF WAY SOUTH 31°05'27" EAST 10.77 FEET TO THE **POINT OF BEGINNING.**

CONTAINING 5,429 SQUARE FEET MORE OR LESS.

THE ABOVE DESCRIPTION IS SHOWN ON EXHIBIT "B" AND BY REFERENCE MADE A PART HEREOF.





CONSENT (Ground Lease Tenant)

The real property that is the subject of the Irrevocable Offer of Dedication for Public Storm Drain Purposes ("Offer of Dedication") to which this Consent is attached is leased to 3511 East 12th Street LP, a California limited partnership ("Tenant"), under that certain Ground Lease (Fruitvale Transit Village IIB) dated as of July 16, 2021 by and between the City of Oakland, a municipal corporation ("Landlord") and Tenant, evidenced by that certain Memorandum of Lease (Fruitvale Transit Village IIB) by and between Landlord and Tenant, recorded on July 19, 2021, as Document No. 2021250942, in the Official Records of the County of Alameda, California, as the same has been and may hereafter be amended (the "Ground Lease"). Tenant hereby consents to the Offer of Dedication to which this Consent is attached and the recordation thereof.

Dated: August 8, 2022

TENANT:

3511 EAST 12TH STREET LP, a California limited partnership

By: Fruitvale Phase IIB LLC,

a California limited liability company

its General Partner

By: BRIDGE Housing Corporation,

a California nonprofit public benefit corporation

its Manager

Name: Reba

	ertificate verifies only the identity of the individual who signed the not the truthfulness, accuracy, or validity of that document.
State of California County of San Francisco) _)
On June 22, 2022 before me.	Wanda Marie Blackmon, Notary Public
Date	Here Insert Name and Title of the Officer
personally appeared Rebecca Hlebask	0
	Name(s) of Signer(s)
subscribed to the within instrument and ack	ctory evidence to be the person(s) whose name(s) is/are knowledged to me that he/she/they executed the same in by his/her/their signature(s) on the instrument the person(s), (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.
WANDA MARIE BLACKMON Notary Public - California San Francisco County Commission # 2383304 My Comm. Expires Nov 16, 2025	WITNESS my hand and official seal. Signature Mand Michael Bold Signature of Notary Public
Place Notary Seal Above	OPTIONAL
	this information can deter alteration of the document or f this form to an unintended document.
Description of Attached Document Title or Type of Document:	Document Date:
Number of Pages: Signer(s) Other	Than Named Above:
Capacity(ies) Claimed by Signer(s) Signer's Name: Corporate Officer — Title(s): Partner — Limited General Individual Attorney in Fact Trustee Guardian or Conservato Other: Signer Is Representing:	☐ Partner — ☐ Limited ☐ General ☐ Individual ☐ Attorney in Fact ☐ Trustee ☐ Guardian or Conservator
oigner is nepresenting:	Signer Is Representing:

CONSENT AND SUBORDINATION (U.S. Bank Trust Company)

U.S. Bank Trust Company, National Association ("Assignee"), as Fiscal Agent under that certain Construction Leasehold Deed of Trust, Security Agreement, Assignment of Lease and Rents and Fixture Filing with Ground Lease Rider dated July 1, 2021, executed by 3511 East 12th Street LP, a California limited partnership, recorded on July 19, 2021 in the Official Records of the County of Alameda, State of California, as Document No.2021250946, for the benefit of California Municipal Finance Agency ("Assignor"), as assigned by Assignor to Assignee pursuant to that certain Assignment of Deed of Trust dated July 1, 2022, recorded on July 19, 2021, in the Official Records of the County of Alameda, State of California, as Document No.2021250947, the same has been and may hereafter be amended (the "Security Instrument"), hereby (a) consents to the recording of the Irrevocable Offer of Dedication for Public Storm Drain Purposes (the "Offer of Dedication") to which this Consent and Subordination is attached and (b) subordinates the lien of the Security Instrument to the Offer of Dedication with the same force and effect as though the Offer of Dedication had been executed and recorded prior to the execution and recordation of the Security Instrument.

U.S. Bank Trust Company, National Association

By:
Name: ANDREW FUNG
Title: Vice President

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 JAN Frankisco) ss	
On 7 26 2022, before me,	GERALO KING
	(Name of Notary)
notary public, personally appeared	ANOREW FUNG
who proved to me on the basis of satisfacto	ry evidence to be the person(s) whose name(s) is/are
	cnowledged to me that he/she/they executed the same
* **	d that by his/her/their signature(s) on the instrument which the person(s) acted, executed the instrument.
THE DEISONISE OF THE CHILLY ABOUT DEHALL OF A	villen die bersonrs) 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.

(Notary Signature)

GERALD KING
Notary Public - California
San Mateo County
Commission # 2375446
My Comm. Expires Sep 18, 2025

Comm. # 2375446 Exp. Sep 18, 2025

CONSENT AND SUBORDINATION (City of Oakland - \$9,579,000 Loan)

City of Oakland, a municipal corporation, as beneficiary under that certain Leasehold Deed of Trust, Assignment of Rents, and Security Agreement (Construction Trust Deed) (Securing City Funds Loan - \$9,579,000) dated July 1, 2021, executed by 3511 East 12th Street LP, a California limited partnership, recorded on July 19, 2021 in the Official Records of the County of Alameda, State of California, as Document No. 2021250949, as the same has been and may hereafter be amended (the "Security Instrument"), hereby (a) consents to the recording of the Irrevocable Offer of Dedication for Public Storm Drain Purposes (the "Offer of Dedication") to which this Consent and Subordination is attached and (b) subordinates the lien of the Security Instrument to the Offer of Dedication with the same force and effect as though the Offer of Dedication had been executed and recorded prior to the execution and recordation of the Security Instrument.

Dated: <u>August 8</u>, 2022

City of Oakland, a municipal corporation

By:

Edward D. Reiskin City Administrator

Approved as to Form and Legality:

By:

JoAnne Dunec

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State of California County ofAlam	neda		
On June 22, 2022	before me,	Winnie Woo, Notary Public	
***************************************		(insert name and title of the	ne officer)
personally appeared	Edward D. Reiskin		
subscribed to the within his/her/their authorized	instrument and acknow capacity(ies), and that t	vidence to be the person(s) wi viedged to me that he/s he/the y by his/h er/th eir signature(s) on e person(s) acted, executed the	executed the same in the instrument the
I certify under PENALT paragraph is true and c		the laws of the State of Californ	nia that the foregoing
WITNESS my hand and	d official seal.		WINNIE WOO lotary Public - California Alameda County Commission # 2310783 comm. Expires Nov 24, 2023

(Seal)

CONSENT AND SUBORDINATION (City of Oakland - \$8,100,000 Loan)

City of Oakland, a municipal corporation, as beneficiary under that certain Leasehold Deed of Trust, Assignment of Rents, and Security Agreement (Construction Trust Deed) (Securing Loan of \$8,100,000) dated July 1, 2021, executed by 3511 East 12th Street LP, a California limited partnership, and recorded on July 19, 2021 in the Official Records of the County of Alameda, State of California, as Document No. 2021250950, as the same has been and may hereafter be amended (the "Security Instrument"), hereby (a) consents to the recording of the Irrevocable Offer of Dedication for Public Storm Drain Purposes (the "Offer of Dedication") to which this Consent and Subordination is attached and (b) subordinates the lien of the Security Instrument to the Offer of Dedication with the same force and effect as though the Offer of Dedication had been executed and recorded prior to the execution and recordation of the Security Instrument.

City of Oakland, a municipal corporation

By: Edward D. Reiskin City Administrator

Approved as to Form and Legality:

By:

JoAnne Dunec

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validity of that document.		
State of California County ofAlameda)	I.
On June 22, 2022	before me,	Winnie Woo, Notary Public (insert name and title of the officer)
		(insert name and title of the officer)
subscribed to the within instruhis/her/their authorized capaciperson(s), or the entity upon I certify under PENALTY OF	is of satisfactory e ument and acknow city(ies), and that b behalf of which the PERJURY under t	vidence to be the person(s) whose name(s) is/are reledged to me that he/she/they executed the same in by his/her/their signature(s) on the instrument the person(s) acted, executed the instrument. The laws of the State of California that the foregoing
paragraph is true and correct	,	

(Seal)

CONSENT AND SUBORDINATION (County of Alameda)

County of Alameda, a political subdivision of the State of California, as beneficiary under that certain Leasehold Deed of Trust with Assignment of Rents, Security Agreement and Fixture Filing (Alameda County A1 Bond Fruitvale Transit Village Phase II-B) dated July 1, 2021, executed by 3511 East 12th Street LP, a California limited partnership, recorded on July 19, 2021 in the Official Records of the County of Alameda, State of California, as Document No. 2021250951, as the same has been and may hereafter be amended (the "Security Instrument"), hereby (a) consents to the recording of the Irrevocable Offer of Dedication for Public Storm Drain Purposes (the "Offer of Dedication") to which this Consent and Subordination is attached and (b) subordinates the lien of the Security Instrument to the Offer of Dedication with the same force and effect as though the Offer of Dedication had been executed and recorded prior to the execution and recordation of the Security Instrument.

County of Alameda,

a political subdivision of the State of California

Name: Michelle Starratt
Title: Housing Director

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) ss)

On <u>August 2, 2022</u>, before me, <u>Fileen De Guzman</u>
(Name of Notary) Deputy County Clerk)

Deputy County Clerk, personally appeared <u>Mighelle</u> Stavratt

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.

Deputy County Stenature) Clevic Signature

CONSENT AND SUBORDINATION (City of Oakland - \$2,500,000 Loan)

City of Oakland, a municipal corporation, as beneficiary under that certain Leasehold Deed of Trust, Assignment of Rents, and Security Agreement (Construction Trust Deed) (Securing TOD Loan - \$2,500,000) dated July 1, 2021, executed by 3511 East 12th Street LP, a California limited partnership, and recorded on July 19, 2021, as Document No. 2021250952, in the Official Records of the County of Alameda, State of California, as the same has been and may hereafter be amended (the "Security Instrument"), hereby (a) consents to the recording of the Irrevocable Offer of Dedication for Public Storm Drain Purposes (the "Offer of Dedication") to which this Consent and Subordination is attached and (b) subordinates the lien of the Security Instrument to the Offer of Dedication with the same force and effect as though the Offer of Dedication had been executed and recorded prior to the execution and recordation of the Security Instrument.

Dated: Avgust8, 2022

City of Oakland, a municipal corporation

By: Edward D. Reiskin

City Administrator

Approved as to Form and Legality:

By:

JoAnne Dunec

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validity of that document.		
State of California County of Alameda)
On June 22, 2022	before me,	Winnie Woo, Notary Public
		(insert name and title of the officer)
personally appearedEdwa	ard D. Reiskin	
subscribed to the within instr his/her/their authorized capa person(s), or the entity upon	ument and acknow city(ies), and that be behalf of which the PERJURY under t	evidence to be the person(s) whose name(s) is/are viedged to me that he/she/they executed the same in by his/her/their signature(s) on the instrument the person(s) acted, executed the instrument. The laws of the State of California that the foregoing
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WITNESS my hand and offic	ial seal.	WINNIE WOO Notary Public - California Alameda County Commission # 2310783
	111.	My Comm. Expires Nov 24, 2023
Signature V	~ V \ \ \ O \ D	(Seal)