

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

# CITY OF OAKLAND

## AGENDA REPORT

2010 APR -8 PM 2:40

Office of the City Administrator  
ATTN: Dan Lindheim  
FROM: Community and Economic Development Agency  
DATE: April 20, 2010

RE: **A Report And Resolution Approving A Final Map For Tract No. 8012 For A Residential Subdivision Located At 6409 Benvenue Avenue And Owned By Jerry And Mary Ann Boddum**

---

### SUMMARY

A resolution has been prepared approving a Final Map for a "mini-lot" subdivision located at the intersection of Alcatraz Avenue and Benvenue Avenue. The developers, Jerry and Mary Ann Boddum, are constructing six (6) single family dwellings on the one-quarter acre site. The Planning Commission approved the land use entitlements (CMD09028) and the tentative map (TTM 8012) on April 1, 2009. The City Engineer has determined that the Final Map is in substantial compliance with the approved tentative map. Approval of the Final Map will be a ministerial action by the City Council.

### FISCAL IMPACT

Staff costs for processing the Final Map have been covered by previously collected fees set by the Master Fee Schedule and paid by the developer. The revenue has been deposited in the Development Service Fund (2415), Engineering Services organization (88432), Tract Map account (45119), Engineering and Architectural Program (PS30). The property owners will maintain new infrastructure improvements, including sanitary sewers and storm drains. The public utility companies will maintain water, gas, electricity, and telecommunication mains.

### PROJECT DESCRIPTION

The 10,500 square feet site is zoned R60, Medium-High Density Residential. The Final Map will re-subdivide two (2) parcels (APN 016-1411-020-00/ 021-00) into six (6) mini-lots for construction of detached single family dwellings. A church was deconstructed (Green Building recycled) in 2009 to facilitate the development. The developer is dedicating a public access and public utility easement to the City for emergency vehicles and undergrounded utilities (water, electricity, natural gas, telecommunications). New storm drainage and sanitary sewer lines will be privately maintained by the homeowners' association.

The City Engineer has approved the plans and specifications prepared by the developers for construction of privately maintained infrastructure improvements (permits PX0900074, ENMI10052).

Item: \_\_\_\_\_  
City Council  
April 20, 2010

## **KEY ISSUES AND IMPACTS**

### **Final Map**

As set forth in California Government Code section 664474.1 (Subdivision Map Act), approval of the Final Map is an administrative, ministerial, and mandatory action by the City Council once the City Engineer has determined that the Final Map conforms substantially with the approved Tentative Map and is technically correct (correct map size and medium, correct metes and bounds, required signatures, required statements, required licensures, etc.). The controlling discretionary action to be taken by the City relating to a subdivision map is at the Tentative Map stage. The purpose of submitting the Final Map to the City Council is to ensure that the Council and the public remain informed about development in the City.

## **SUSTAINABLE OPPORTUNITIES**

### **Economic**

The subdivision will provide opportunities for home ownership for the Oakland community.

### **Environmental**

Land use approvals and construction permits for new buildings require that the permittee comply with City ordinances and regional Best Management Practices for reducing nuisance noise, fugitive dust, construction debris disposal, and storm drainage pollutant runoff.

### **Social Equity**

The proposed development will provide housing opportunities for the Oakland community.

## **DISABILITY AND SENIOR CITIZEN ACCESS**

Construction of the access easement and sidewalk improvements will conform to City requirements for handicapped accessibility.

## **RECOMMENDATIONS**

Adoption of the resolution approving the Final Map is a ministerial action of the City Council, which does not require an action by a Committee of the Council.

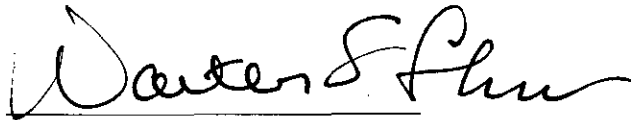
## **ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the Council accept this report for the subdivision of two (2) parcels located at 6409 Benvenue Avenue into six (6) mini-lots, and adopt the proposed resolution, as a ministerial action:

Item: \_\_\_\_\_  
City Council  
April 20, 2010

- conditionally approving the Final Map for Tract No. 8012, and
- accepting an on-site dedication of a public access and public utility easement after acceptance by the City Engineer of the infrastructure construction; and
- authorizing the City Engineer and City Clerk to execute the Final Map, and
- directing the City Clerk to file the executed Final Map with the Alameda County Clerk-Recorder for recordation.

Respectfully submitted,

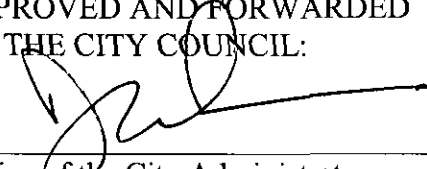


Walter S. Cohen, Director  
Community and Economic Development Agency

Prepared by:

Raymond M. Derania  
City Engineer  
Building Services Division

APPROVED AND FORWARDED  
TO THE CITY COUNCIL:

  
\_\_\_\_\_  
Office of the City Administrator

Item: \_\_\_\_\_  
City Council  
April 20, 2010

Introduced by

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

Approved for Form and Legality

\_\_\_\_\_  
Councilmember

2010 APR -8 PM 2:40

  
\_\_\_\_\_  
City Attorney

## OAKLAND CITY COUNCIL

Resolution No. \_\_\_\_\_ C.M.S.

---

### RESOLUTION APPROVING A FINAL MAP FOR TRACT No. 8012 LOCATED AT 6409 BENVENUE AVENUE AND CONDITIONALLY ACCEPTING IRREVOCABLE OFFERS OF DEDICATION FROM JERRY AND MARY ANN BODDUM FOR PUBLIC ACCESS AND PUBLIC UTILITY EASEMENTS

**WHEREAS**, the developers of a new residential dwelling project, Jerry and Mary Ann Boddum, are the Subdivider of two (2) parcels identified by the Alameda County Assessor as APN 016-1411-020-00 and 016-1411-021-00, and by the Alameda County Clerk-Recorder as Tract No. 8012, and by the City of Oakland as 6409 Benvenue Avenue and 332 Alcatraz Avenue; and

**WHEREAS**, the Subdivider has acquired by purchase for valuable consideration the 10,500 square feet of real property comprising Tract No. 8012, as set forth in a grant deed, recorded October 5, 2006, series no. 2006375587, by the Alameda County Clerk-Recorder; and

**WHEREAS**, said platted land is zoned R60, Medium-High Density Residential; and

**WHEREAS**, the Subdivider has previously submitted an application to the Planning Department of the City of Oakland for a Tentative Map (TTM8012) to voluntarily merge and re-subdivide said platted land into the six (6) contiguous lots comprising Tract No. 8012 for construction of new detached single family dwellings; and

**WHEREAS**, the Subdivider has previously applied to the Building Official of the City of Oakland for permit no. RB0901453 to demolish a church located on said site; and

**WHEREAS**, the Planning Commission of the City of Oakland approved the environmental determination (categorically exempted) and land use entitlements (CMD09028) and the Tentative Map for the subdivision on April 1, 2009, which proposed the division of said platted land into six (6) developable "mini lots" fronting on Benvenue Avenue and Alcatraz Avenue with irrevocable offers of dedication of coterminous easements for public access and public utilities; and

**WHEREAS**, the Secretary of the Planning Commission has certified to the Council of the City of Oakland that the Planning Commission approved the Tentative Map for Tract No. 8012, upon which the Final Map for Tract No. 8012 is based; and

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

- the Final Map for Tract No. 8012, 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. 8012 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 ordinances (Municipal Code Title 16 - Subdivisions); and

**WHEREAS**, the City Engineer has further determined that the Final Map for Tract No. 8012 is technically correct and accurately delineates the metes and bounds for the proposed six (6) lots and the proposed on-site easements, the limits of which have been established by field survey and can be re-established from the monuments, property corners, radii, compass bearings, and distances shown on the Final Map; 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 specifications and plans for the construction of required surface and subsurface infrastructure improvements within the proposed on-site public easements; and

**WHEREAS**, the City Engineer has approved permit nos. PX0900074 and ENMI100052 and the Subdividers' plans and specifications for construction of the required infrastructure improvements, included by reference with *Exhibit B*; and

**WHEREAS**, pursuant to Municipal Code Chapter 12.20, the Subdivider has deposited securities in the form of surety bonds, included by reference with *Exhibit B*, 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 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 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 by the Municipal Code; 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 and the project was determined to be categorically exempt under Section 15332 of the CEQA Guidelines; now, therefore, be it

**RESOLVED:** That the Final Map for Tract No. 8012 complies with the requirements of the California Environmental Quality Act; and be it

**FURTHER RESOLVED:** That the Final Map for Tract No. 8012 is hereby conditionally approved; and be it

**FURTHER RESOLVED:** That the approval of the Final Map for Tract No. 8012 is hereby conditioned upon the performance by the Subdivider of its obligations to construct, warrant, and maintain required privately maintained infrastructure improvements; and be it

**FURTHER RESOLVED:** That the City Engineer is hereby authorized to endorse the Final Map for Tract No. 8012; and be it

**FURTHER RESOLVED:** That the City Clerk of the City of Oakland is hereby authorized to endorse the Final Map for Tract No. 8012, upon its execution by the City Engineer, and directed to file the fully endorsed Final Map with the Alameda County Clerk-Recorder for simultaneous recordation; and be it

**FURTHER RESOLVED:** That this Resolution shall become effective upon the recordation of the Final Map for Tract No. 8012; and be it

**FURTHER RESOLVED:** That upon issuance of a Certificate of Completion by the City Engineer for construction of the required infrastructure improvements, the irrevocable offers of dedication of the on-site public access and public utility easements are hereby accepted by the City of Oakland; and be it

**FURTHER RESOLVED:** That private maintenance of the required infrastructure improvements shall remain the responsibility in perpetuity of the property owners of Tract No. 8012 and their homeowners' association, both severally and jointly, and their representatives, agents, heirs, successors, and assigns.

**IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2010**

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID,  
and PRESIDENT BRUNNER

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_

LATONDA SIMMONS

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

Date of Attestation \_\_\_\_\_

OWNERS' STATEMENT:

THE UNDERSIGNED HEREBY STATES THAT THEY ARE THE OWNERS OF THE LAND DELINEATED AND ENCOMPASSED WITHIN THE EXTERIOR BOUNDARY LINES OF THE HERIN (EMBODED TRACT) MAP ENTITLED "TRACT MAP 8012, CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA..."

WE ALSO HEREBY DEDICATE TO PUBLIC USE AN EASEMENT OVER LOTS 1 THROUGH 8 DELINEATED HEREIN AND DESIGNATED AS "P.A.U.E." (PUBLIC ACCESS AND UTILITY EASEMENT)...

THE AREA IN LOT 1, DESIGNATED AS "PRIVATE PARKING, STORM DRAINAGE AND UTILITY EASEMENT" (P.P.E.-1) IS HEREBY RESERVED FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING A PROGRAM OF THE PARKING SPACE FOR THE BENEFIT OF LOT 8 AND ALL APPURTENANCES THEREOF...

THE AREA IN LOT 2, DESIGNATED AS "PRIVATE PARKING, STORM DRAINAGE AND UTILITY EASEMENT" (P.P.E.-2) IS HEREBY RESERVED FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING A PROGRAM OF THE PARKING SPACE FOR THE BENEFIT OF LOT 8 AND ALL APPURTENANCES THEREOF...

THE CITY OF OAKLAND IS AN INTENDED THIRD PARTY BENEFICIARY OF THIS EASEMENT AGREEMENT WITH THE RIGHT TO ENFORCE THE RIGHTS AND OBLIGATIONS SET FORTH HEREIN...

THE AREA IN LOT 3, DESIGNATED AS "PRIVATE PARKING AND STORM DRAINAGE EASEMENT" (P.P.E.-3) IS HEREBY RESERVED FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING A PROGRAM OF THE PARKING SPACE AND ALL APPURTENANCES THEREOF...

THE CITY OF OAKLAND IS AN INTENDED THIRD PARTY BENEFICIARY OF THIS EASEMENT AGREEMENT WITH THE RIGHT TO ENFORCE THE RIGHTS AND OBLIGATIONS SET FORTH HEREIN...

THE AREA IN LOT 6, DESIGNATED AS "PRIVATE PARKING AND STORM DRAINAGE EASEMENT" (P.P.E.-6) IS HEREBY RESERVED FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING A PROGRAM OF THE PARKING SPACE AND ALL APPURTENANCES THEREOF...

THE AREA IN LOT 8, DESIGNATED AS "STORM DRAIN EASEMENT" (S.D.E.) IS HEREBY RESERVED FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING A STORM WATER DRAINAGE SYSTEM AND ALL APPURTENANCES THEREOF...

Jerry J. Boudoin, Notary Public, County of Alameda, State of California.

OWNER'S ACKNOWLEDGEMENT:

STATE OF CALIFORNIA)
COUNTY OF Alameda )
On Jan 5 2010 BEFORE ME, Eric Thunje
A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED
JERRY J. BOUDOIN

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/IT/HEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITIES...

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
NOTARY PUBLIC
NAME: Eric Thunje

MY COMMISSION EXPIRES: March 30 2011
MY COMMISSION NUMBER: 1735473

COUNTY OF PRINCIPAL PLACE OF BUSINESS: Alameda

OWNER'S ACKNOWLEDGEMENT:

STATE OF CALIFORNIA)
COUNTY OF Alameda )
On Jan 5 2010 BEFORE ME, Eric Thunje
A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED
MARY ANN R. BOODUN

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/IT/HEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITIES...

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
NOTARY PUBLIC
NAME: Eric Thunje

MY COMMISSION EXPIRES: March 30 2011
MY COMMISSION NUMBER: 1735473

COUNTY OF PRINCIPAL PLACE OF BUSINESS: Alameda

CITY CLERK'S STATEMENT:

I, THE UNDERSIGNED, LATONIA SIMMONS, CITY CLERK AND CLERK OF THE CITY COUNCIL OF THE CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DO HEREBY CERTIFY THAT THIS MAP, CONSISTING OF 2 SHEETS AND ENTITLED "TRACT MAP 8012" WAS PRESENTED TO SAID COUNCIL, AS PROVIDED BY LAW AT A REGULAR MEETING HELD ON THE DAY OF 2009 AND THAT SAID COUNCIL DID THEREUPON APPROVE SAID MAP.

I FURTHER STATE THAT ALL AGREEMENTS AND SURETY AS REQUIRED BY LAW TO ACCOMPANY THE MAP HAVE BEEN APPROVED BY THE CITY COUNCIL OF THE CITY OF OAKLAND AND ARE FILED IN MY OFFICE. I HEREBY ACCEPT ON BEHALF OF THE CITY OF OAKLAND, THAT AREA DESCRIBED HEREON AS "P.A.U.E." (PUBLIC ACCESS AND UTILITY EASEMENT) AS HERIN DEDICATED IN ACCORDANCE WITH SECTION 1612.080 OF THE OAKLAND MUNICIPAL CODE.

IN WITNESS WHEREOF, I HAVE HERUNTO SET MY HAND THIS \_\_\_ DAY OF \_\_\_ 2010

LATONIA SIMMONS, CITY CLERK AND CLERK OF THE COUNCIL OF THE CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA

CITY ENGINEER'S STATEMENT:

I, RAYMOND W. DEGRANIA, CITY ENGINEER, HAVING BEEN AUTHORIZED TO PERFORM THE FUNCTIONS OF THE CITY ENGINEER OF THE CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, FOR THE PURPOSE OF REVIEWING SUBDIVISION MAPS, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE HERIN EMBODIED TRACT MAP ENTITLED "TRACT MAP 8012, CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA"...

IN WITNESS WHEREOF, I HAVE HERUNTO SET MY HAND THIS \_\_\_ DAY OF \_\_\_ 2010.

RAYMOND W. DEGRANIA, R.C.E. NO 27815
CITY OF OAKLAND, ALAMEDA COUNTY
STATE OF CALIFORNIA
LICENSE EXPIRES 3/31/12

SURVEYOR'S STATEMENT:

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF JERRY BOODOIN IN JUNE OF 2009. I HEREBY STATE THAT THIS TRACT MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE TRACT MAP, IF ANY, I HEREBY STATE THAT THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED AND THAT THE MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED.



Michael J. Foster 1-05-10
MICHAEL J. FOSTER, L.S. 7170
EXPIRATION DATE: DECEMBER 31, 2011

SECRETARY OF THE PLANNING COMMISSION'S STATEMENT:

I, SCOTT MILLER, SECRETARY OF THE CITY PLANNING COMMISSION OF THE CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DO HEREBY CERTIFY THAT A TENTATIVE MAP OF "TRACT NO. 8012, CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA" WAS PRESENTED TO THE CITY PLANNING COMMISSION AS PROVIDED BY THE SUBDIVISION MAP ACT, THAT AT A REGULARLY SCHEDULED MEETING HELD ON April 14 2009 AND THAT SAID COMMISSION APPROVED SAID TENTATIVE MAP UPON WHICH THIS MAP IS BASED.

DATED: January 11, 2010
Scott Miller
SCOTT MILLER
SECRETARY OF THE CITY PLANNING COMMISSION OF THE CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA.

CLERK OF THE BOARD OF SUPERVISORS STATEMENT:

I, CRYSTAL HINSDALE GRAFT, CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DO HEREBY STATE THAT CERTIFICATES HAVE BEEN FILED AND DEPOSITED HAVE BEEN MADE IN CONFORMANCE WITH THE REQUIREMENTS OF SECTION 86492 AND 86493 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.

DATED:
CRYSTAL HINSDALE GRAFT, CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA.
By: DEPUTY

RECORDER'S STATEMENT:

FILED THIS \_\_\_ DAY OF \_\_\_ 2010, AT \_\_\_ M. IN BOOK \_\_\_ OF PARCEL MAPS, AT PAGE \_\_\_ AT THE REQUEST

PATRICK O'CONNELL
COUNTY RECORDER
By: DEPUTY COUNTY RECORDER

TRACT MAP NO. 8012
FOR A 6 LOT SUBDIVISION
A PORTION OF LOTS 17 AND 18, BLOCK 2
FAIRVIEW PARK, (20 M. 28)
CITY OF OAKLAND, ALAMEDA COUNTY, CALIFORNIA
JANUARY, 2010
BAY AREA LAND SURVEYING INC.

EXHIBIT A





EXHIBIT B



PECI Engineering & Construction Incorporated

6 NEW HOMES 332 ALCATRAZ & 409 BENVENUE AVE. OAKLAND, CA 94618

COVER SHEET A NOTES APR 08 11 02:51 PM C10



VICINITY MAP NOT TO SCALE

PROJECT ADDRESS: 332 ALCATRAZ & 409 BENVENUE AVE. OAKLAND, CA 94618

OWNER: JERRY BODDUM

APPROVED CITY OF OAKLAND BUILDING SERVICES

STREET IMPROVEMENT PLANS FOR 6409 BENVENUE AVENUE & 332 ALCATRAZ AVENUE

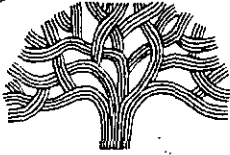
ABBREVIATIONS table with symbols for various street features like sidewalks, curbs, and utility lines.

SHEET INDEX table listing sheet numbers and descriptions of plan sections.

CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF OAKLAND.

CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF OAKLAND. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF OAKLAND.





CITY OF OAKLAND

# EXHIBIT B

COMMUNITY & ECONOMIC DEVELOPMENT AGENCY  
BUILDING SERVICES DIVISION  
250 OGAWA PLAZA - 2nd FLOOR  
OAKLAND, CA 94612

## Agreement Private Construction Of Publicly Maintained Infrastructure

[ X ] Public Right-Of-Way [ ] Public Service Easement

ADDRESS 332 Alcatraz Avenue & 6409 Benvenue Avenue

MAP/APN 016-1411-020 & 021

OWNER Jerry J. Boddum and Mary Ann R. Boddum

PERMIT No. PX0900074

ENGINEER Alan Mark Waldman

EST. COST \$38,157.00

LICENSE 38905

EXPIRES 03/31/2011

SECURITY \$38,157 & 19,073.50

DESCRIPTION Public Improvements to serve new lots of Tract 8012 at the corner of Alcatraz Avenue and Benvenue Avenue

### RECITAL

The undersigned Owners hereby agree by and between themselves to remise, release, forever discharge, defend, fully indemnify, and save harmless the City of Oakland and its officers, employees, agents, and volunteers, and each of them, from the following:

- any and all actions, causes of actions, litigation, claims, and demands of whatsoever kind or nature, and any damage to real or personal property, loss of any nature, bodily injury, disease, illness, or death which may be sustained directly or indirectly by any corporation, person, persons, or other entity arising or resulting from or sustained by anything done or omitted by the Owners, owner's Engineer of Record, the owner's Contractor, or others in connection with the design, construction, maintenance, and repair of the infrastructure improvement described herein; and
- any and all actions, causes of actions, claims, and demands relating to, or because of, the execution and enforcement of the terms of this Agreement.

The Owners also hereby agree to be bound by the attached Exhibits and to comply with the conditions, requirements, and restrictions therein faithfully and fully at all times. This Agreement and attached Exhibits shall equally and fully bind all agents, heirs, successors, and assigns of the Owners.

### ACKNOWLEDGEMENTS

(corporate authority and seal required.)

OWNER [Signature]  
Jerry J. Boddum

OWNER [Signature]  
Mary Ann R. Boddum

DATE 1/5/10

DATE 1/5/10

### ATTACHMENTS

Exhibit A - Materials and Quantities

Exhibit C - Special Conditions

Exhibit E - Responsibilities

Exhibit B - General Conditions

Exhibit D - Plans & Specs

Exhibit F - Securities & Engr Est

DAN LINDHEIM  
City Administrator

by

[Signature]  
RAYMOND M. DERANIA  
City Engineer

date

1/6/10