

Introduced by

Councilmember

OFFICE OF THE CITY CLERK

2007 MAY 26 PM 4:19

Approved for Form and Legality

F. Faiz

City Attorney

OAKLAND CITY COUNCIL

Resolution No. 80603 C.M.S.

RESOLUTION APPROVING THE FINAL MAP FOR TRACT 7844 FOR A RESIDENTIAL SUBDIVISION AT 2237 62nd AVENUE

WHEREAS, the owner and Subdivider of an existing residentially zoned lot with ten (10) existing single-family dwellings, Benhad Properties, LLC, a California limited liability company (no. 200618010191), is the Subdivider of a parcel identified by the Alameda County Assessor as APN 038-3210-003-00, by the Alameda County Clerk-Recorder as Tract No. 7844, and by the City of Oakland as 2237 62nd Avenue, and by the Subdivider as Casitas Del Sol; and

WHEREAS, the Subdivider has acquired by purchase for valuable consideration the real property comprising Tract No. 7844; and

WHEREAS, the Subdivider has previously applied to the City of Oakland to subdivide the platted land into the ten (10) contiguous lots comprising Tract No. 7844; and

WHEREAS, the Planning Commission of the City of Oakland approved the environmental determination (categorically exempted), land use entitlements (CM06494), and the Tentative Map for Tract 7844 on February 7, 2007, which proposed the subdivision of the existing parcel into ten (10) lots for each of ten (10) existing single-family dwellings and irrevocable offers of dedication of coterminous easements for public access and public utilities; and

WHEREAS, the Secretary of the Planning Commission of the City of Oakland has certified to the Council of the City of Oakland that the Planning Commission approved the Tentative Map for Tract No. 7844, upon which the Final Map for Tract No. 7844 is based; and

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

- the Final Map for Tract No. 7844, attached hereto as Exhibit A, is substantially the same as the Tentative Map approved by the Planning Commission, and
- the Final Map 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 ordinance (Municipal Code Title 16 - Subdivisions); and

WHEREAS, the City Engineer has further determined that the Final Map is technically correct and accurately delineates the metes and bounds of the ten (10) proposed lots and the proposed on-site public and private easements, the limits of which have been established by field survey

and can be re-established from the monuments, property corners, radii, bearings, and distances shown on the Final Map for Tract No. 7844; and

WHEREAS, pursuant to approved testing conducted by the Subdivider of the existing surface and subsurface public infrastructure improvements within 62nd Avenue and the proposed on-site public service easements, construction of new public infrastructure improvements or its repair or replacement has been determined not to be necessary; and

WHEREAS, pursuant to Oakland Municipal Code sections 16.08.010, 16.12.080 and 16.32.020, the Subdivider has irrevocably offered to the City of Oakland the dedication of co-terminus non-exclusive public service easements under, on, and over the proposed lots, as described and delineated in the Final Map, for unimpeded access, use, installation, maintenance, repair, and replacement in perpetuity of vehicles, pedestrians, and utilities in perpetuity by the public in general and serving public utilities; and

WHEREAS, the requirements of the California Environmental Quality Act (CEQA) have been complied with and the project was determined to be categorically exempt under Section 15332 of the CEQA Guidelines, and the approval of a final map is a ministerial action and therefore exempt under CEQA; now, therefore, be it

RESOLVED: That the Final Map for Tract No. 7844 is hereby approved; and be it

FURTHER RESOLVED: That the City Engineer of the City of Oakland is hereby authorized to endorse the Final Map for Tract 7844; and be it

FURTHER RESOLVED: That the City Clerk of the City of Oakland is hereby authorized to endorse the Final Map for Tract 7844, upon its execution by the City Engineer, and directed to file the fully endorsed Final Map with the Alameda County Clerk-Recorder; and be it

FURTHER RESOLVED: That this Resolution shall become effective upon the recordation of the Final Map for Tract No. 7844; and be it

FURTHER RESOLVED: That the irrevocable offers of dedication of the on-site public service easements are hereby accepted by the City of Oakland; and be it

FURTHER RESOLVED: That all maintenance of off-site infrastructure improvements within the public right-of-way, including but not limited to sidewalks, curbs, gutters, trees and landscaping, irrigation, sanitary sewer piping, and storm water piping, that are identified in the California Streets and Highways Code and the Oakland Municipal Code to be the responsibility of the abutting property owner, and maintenance all off-site and one-site infrastructure improvements that are otherwise regulated by California Public Utilities Commission, and maintenance all on-site infrastructure improvements within the real property that are associated with public access, including but not limited to roadway, sidewalks, curbs, gutters, trees and landscaping, and irrigation, and with sanitary sewer and storm water drainage shall remain the

responsibility in perpetuity of the property owners of Tract No. 7844 and their homeowners association, both severally and jointly, and their representatives, agents, heirs, successors, and assigns.

IN COUNCIL, OAKLAND, CALIFORNIA, JUN 5 2007, 2007

PASSED BY THE FOLLOWING VOTE:

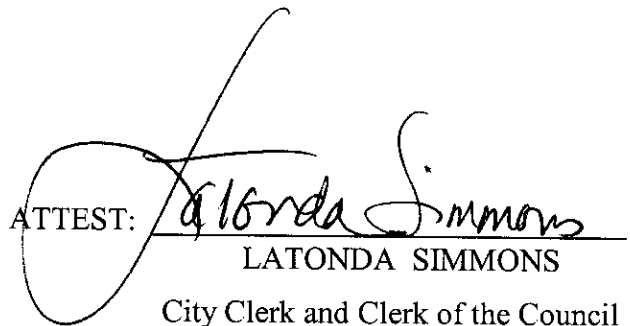
AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and
PRESIDENT DE LA FUENTE - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:


LATONDA SIMMONS

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

SUBDIVIDER

BENHAD PROPERTIES, LLC
15436 N. FLORIDA AVENUE, SUITE 200
TAMPA, FLORIDA 33613

OWNER'S STATEMENT

THE UNDERSIGNED DOES HEREBY STATE THAT THEY ARE THE OWNER OF THE LANDS DELINEATED AND EMBRACED WITHIN THE EXTERIOR BOUNDARY LINES OF THE HEREIN EMBODIED MAP ENTITLED "SUBDIVISION 7844"; THAT THEY ARE THE OWNER OF SAID LAND BY VIRTUE OF THE GRANT DEEDS RECORDED AND DATED JULY 11, 2006, FOUND IN THE OFFICIAL RECORDS OF ALAMEDA COUNTY, STATE OF CALIFORNIA; AND IT CONSENTS TO THE PREPARATION AND FILING OF THIS MAP

AND SAID OWNER DOES HEREBY IRREVOCABLY OFFER FOR DEDICATION TO THE CITY OF OAKLAND FOREVER A PUBLIC ACCESS EASEMENT (PAE) WITH THE PUBLIC RIGHT OF INGRESS AND EGRESS UPON AND OVER ANY AREA OR STRIP OF LAND, DELINEATED AND DESIGNATED ON THIS MAP; AND THAT SAID AREAS OR STRIP OF LAND ARE TO BE KEPT OPEN AND FREE FROM BUILDINGS, VEHICLES, AND STRUCTURES OF ANY KIND EXCEPT APPLICABLE UTILITY STRUCTURES AND APPURTENANCES, IRRIGATION SYSTEMS AND APPURTENANCES, AND LAWFUL FENCES, THE MAINTENANCE OF SAID PUBLIC ACCESS EASEMENT SHALL BE THE RESPONSIBILITY OF THE OWNERS OF LOTS 1 THROUGH 9.

THE REAL PROPERTY DESCRIBED HEREIN IS ALSO SUBJECT TO THAT CERTAIN DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS (CC&R'S) FOR CASITAS DEL SOL THAT IS BEING RECORDED CONCURRENTLY IN CONJUNCTION WITH THIS MAP

BENHAD PROPERTIES, LLC
A CALIFORNIA LIMITED LIABILITY COMPANY
BY: [Signature]
FARHAD MATIN, PARTNER
BENHAD PROPERTIES, LLC
A CALIFORNIA LIMITED LIABILITY COMPANY

OWNER'S ACKNOWLEDGMENT

STATE OF CALIFORNIA)
COUNTY OF ALAMEDA) SS
ON THIS 30 DAY OF April, 2007, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED Farhad A. Matin PERSONALLY KNOWN TO ME (OR 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/HERS/THEIR AUTHORIZED CAPACITY(IES) AND THAT BY HIS/HERS/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

IN WITNESS THEREOF, I HAVE HEREUNTO SET MY HAND ON THE DAY AND YEAR FIRST ABOVE WRITTEN.

(SIGNATURE) [Signature]
NOTARY PUBLIC IN AND FOR THE COUNTY OF Alameda STATE OF CALIFORNIA
(PRINT) A. Gonzalez
MY COMMISSION EXPIRES: 5-27-11

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED ON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF FARHAD MATIN IN NOVEMBER, 2006. I HEREBY STATE THAT ALL THE MONUMENTS, IF ANY, ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED OR THAT THEY WILL BE SET IN THOSE POSITIONS BEFORE APRIL 11, 2008, AND THAT THE MONUMENTS ARE, OR WILL BE, SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED, AND THAT THIS FINAL MAP SUBSTANTIALLY CONFORMS TO THE CONDITIONALLY APPROVED TENTATIVE MAP

[Signature] DATED: 4-29-07
MICHAEL R. MCCOLL, PLS., 035874
LICENSE EXPIRES: 08/30/2008



**FINAL TRACT MAP 7844
CASITAS DEL SOL**
SUBDIVISION OF PORTIONS OF LOTS 19 AND 20 OF THE
"J. LEVI SR. TRACT"
CITY OF OAKLAND - COUNTY OF ALAMEDA
STATE OF CALIFORNIA

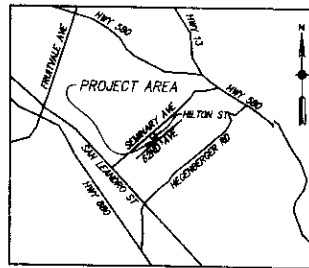
MMS Design Associates
PLANNERS • ENGINEERS • SURVEYORS
1600 South Main Street, Suite 332 Walnut Creek, CA 94596
tel: 925.988.9188 fax: 925.988.0170

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CITY ENGINEER'S STATEMENT

I, RAYMOND M. DERANIA, INTERIM CITY ENGINEER, HAVING BEEN AUTHORIZED TO PERFORM THE FUNCTIONS OF THE CITY ENGINEER OF THE CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DO HEREBY STATE THAT I HAVE EXAMINED THIS SUBDIVISION MAP AS SHOWN HEREIN, AND THAT IT IS SUBSTANTIALLY THE SAME AS IT APPEARS ON THE TENTATIVE MAP, AND ANY APPROVED ALTERATIONS THEREOF, THAT ALL THE PROVISIONS OF DIVISION 2, CHAPTER 2 OF THE SUBDIVISION MAP ACT OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA AND ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF SAID TENTATIVE MAP HAVE BEEN COMPLIED WITH AND THAT SAID SUBDIVISION MAP IS TECHNICALLY CORRECT.

DATED: _____
RAYMOND M. DERANIA, R.C.E. NO. 27815
INTERIM CITY ENGINEER
CITY OF OAKLAND, ALAMEDA COUNTY,
STATE OF CALIFORNIA
LICENSE EXPIRES 03/31/08



VICINITY MAP
N.T.S.

CITY CLERK'S STATEMENT

I, THE UNDERSIGNED, LATONDA SIMMONS, CITY CLERK AND CLERK OF THE CITY COUNCIL OF THE CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DO HEREBY STATE THAT THIS MAP, CONSISTING OF 2 SHEETS AND ENTITLED "SUBDIVISION 7844 - CASITAS DEL SOL," WAS PRESENTED TO SAID COUNCIL, AS PROVIDED BY LAW AT A REGULAR MEETING HELD ON THE DAY OF _____, 20____, AND THAT SAID COUNCIL DID THEREUPON APPROVE SAID MAP AND DID ACCEPT FOR PUBLIC USE THE EASEMENT DEDICATED AS "PUBLIC ACCESS EASEMENT" (PAE).

THE OFFER OF DEDICATION TENDERED ON THE OWNER'S STATEMENT ON THE HEREIN EMBODIED MAP ENTITLED "SUBDIVISION 7844" IS HEREBY CONDITIONALLY ACCEPTED IN ACCORDANCE WITH SECTION 16.24.130(C) OF THE OAKLAND MUNICIPAL CODE.

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.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS ____ OF _____, 2007.

LATONDA SIMMONS, CITY CLERK & CLERK OF THE COUNCIL
OF THE CITY OF OAKLAND, COUNTY OF
ALAMEDA, STATE OF CALIFORNIA

CLERK OF THE BOARD OF SUPERVISORS STATEMENT

I, CRYSTAL K. HISHIDA, CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF CALIFORNIA, DO HEREBY STATE THAT CERTIFICATES HAVE BEEN MADE IN CONFORMANCE WITH THE REQUIREMENTS OF SECTIONS THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.

DATED: _____
CRYSTAL K. HISHIDA, CLERK OF THE BOARD OF SUPERVISORS, COUNTY OF ALAMEDA, STATE OF CALIFORNIA.
BY: _____
DEPUTY CLERK

CITY PLANNING COMMISSION'S STATEMENT

I HEREBY STATE THAT THE PLANNING COMMISSION OF THE CITY OF OAKLAND APPROVED ON FEBRUARY 7, 2007 THE TENTATIVE MAP OF SUBDIVISION 7844 UPON WHICH THIS FINAL MAP IS BASED.

DATED: _____
GARY K. PATTON
SECRETARY OF THE PLANNING COMMISSION

COUNTY RECORDER'S STATEMENT

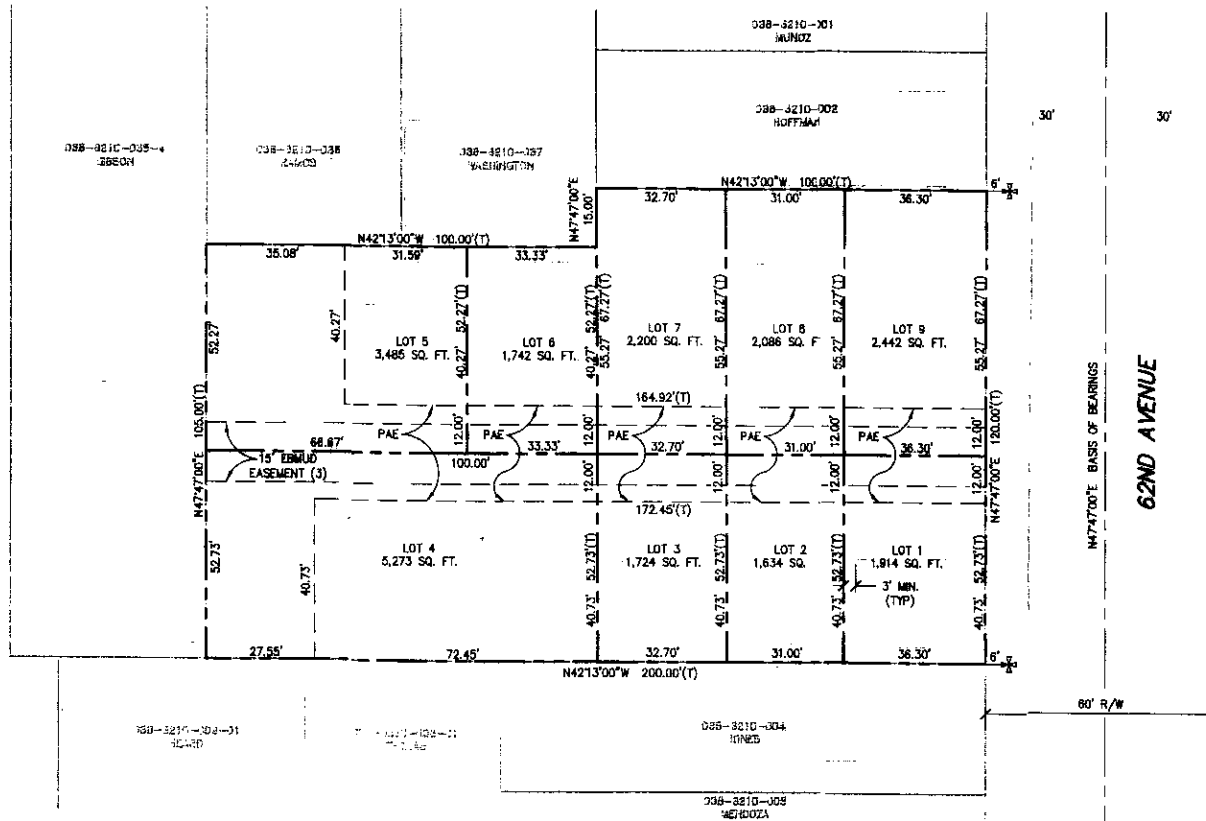
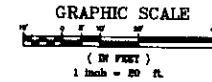
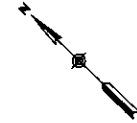
FILED THIS ____ DAY OF _____, 20____, AT _____, M., IN BOOK _____ OF _____, AT PAGE _____, AT THE REQUEST OF _____

PATRICK J. O'CONNELL,
COUNTY RECORDER IN AND FOR THE
COUNTY OF ALAMEDA, STATE OF CALIFORNIA
BY: _____
DEPUTY COUNTY CLERK

EXHIBIT A

FINAL TRACT MAP 7844 CASITAS DEL SOL

SUBDIVISION OF PORTIONS OF LOTS 19 AND 20 OF THE
"J. LEVI SR. TRACT"
CITY OF OAKLAND - COUNTY OF ALAMEDA
STATE OF CALIFORNIA



LEGEND

- PROPERTY LINE
- - - EASEMENT LINE
- TRACT LINE
- ASSESSOR'S PARCEL LINE
- CENTERLINE
- SET OUT CROSS IN SIDEWALK
- ⊕ PAE PUBLIC ACCESS EASEMENT AS DESCRIBED HEREON
- EXISTING BUILDING FOOTPRINT

NOTES

1. ALL DISTANCES SHOWN ARE BASED ON FIELD MEASUREMENTS OR CALCULATED UNLESS OTHERWISE NOTED.
2. ALL ANGLES ARE 90° UNLESS OTHERWISE NOTED.

REFERENCES

- (1) RECORDED PER MAP OF "J. LEVI SR. TRACT" RECORDED IN BOOK 13 OF MAPS, PAGE 7, JULY 24, 1891.
- (2) RECORDED PER MAP OF THE "HARRINGTON - SEMINARY AVE. TRACT", RECORDED IN BOOK 22 OF MAPS, PAGE 13, DECEMBER 17, 1908.
- (3) RECORDED PER "GRANT OF EASEMENT", DOCUMENT NO. 98282133 - RECORDED AUGUST 13, 1998.

BASIS OF BEARINGS

THE CENTERLINE OF 62ND AVENUE, FORMERLY BAKER AVENUE, ESTABLISHED BY SPLITTING THE RIGHT OF WAYS OF 62ND AVENUE AND HILTON STREET, FORMERLY MILLS ST, AND TAKEN AS N47°47'00"E PER (1) AND (2)

MMS Design Associates
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