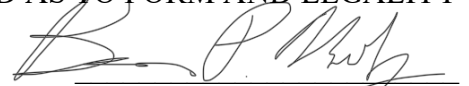


APPROVED AS TO FORM AND LEGALITY


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ 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,

PASSED BY THE FOLLOWING VOTE:

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

NOES –

ABSENT –

ABSTENTION –

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)