

  
Brian Murly (Mar 25, 2026 12:09:31 PDT)

CITY ATTORNEY'S OFFICE

# OAKLAND CITY COUNCIL

## RESOLUTION NO. \_\_\_\_\_ C.M.S.

**ADOPT A RESOLUTION ACCEPTING PUBLIC INFRASTRUCTURE IMPROVEMENTS, DIRECTING THE FILING OF AN UNCONDITIONAL CERTIFICATE OF COMPLETION FOR THE MACARTHUR TRANSIT VILLAGE PHASE ONE IMPROVEMENTS PER THE SUBDIVISION IMPROVEMENT AGREEMENT (SIA) FOR DEFERRED CONSTRUCTION OF PUBLIC INFRASTRUCTURE IMPROVEMENTS, AND MAKING CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS**

**WHEREAS**, on July 26, 2011, the Oakland City Council adopted Resolution No. 83516 C.M.S., which conditionally approved Final Map Tract No. 8047 (MacArthur Transit Village Phase 1), authorized the execution of the Subdivision Improvement Agreement with MacArthur Transit Community Partners, LLC for deferred construction of the required public infrastructure, and approved related street vacations and easement dedications; and

**WHEREAS**, on July 26, 2011, MacArthur Transit Community Partners, LLC, a California limited liability company (“Developer”) and the City of Oakland, a California municipal corporation (“City”), entered into a Subdivision Improvement Agreement (“SIA”) for Deferred Construction of Public Infrastructure Improvements for the MacArthur Transit Village Phase One project; and

**WHEREAS**, the Developer obtained construction permit PX1100070 for the public infrastructure work identified in the SIA and provided surety in the form of a Performance Bond in the amount of \$3,591,000.00 and Labor and Materials Bond in the amount of \$1,795,500.00; and

**WHEREAS**, the public improvements required by the SIA were completed, inspected and approved by the City; and

**WHEREAS**, the SIA requires a one (1) year maintenance period commence upon the City Engineer filing the Unconditional Certificate of Completion (“UCC”) with the Alameda County Recorder’s Office; and

**WHEREAS**, the Developer has provided a surety bond for the one-year maintenance period, and the City will retain a Maintenance Bond in the amount of \$897,750.00, equivalent to one-quarter of the Performance Bond, for said period; and

**WHEREAS**, the City will release the Performance Bond in the full amount, and the Labor and Materials Bond in the full amount that were posted for the construction of public infrastructure under permit PX1100070; upon executing and recording the UCC; and

**WHEREAS**, acceptance of public infrastructure and issuance of a UCC is a ministerial action that is exempt from the requirements of the California Environment Quality Act (“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 improvements in question were approved as part of the entitlements for the MacArthur Transit Village Project, which was analyzed in the Environmental Impact Report (“EIR”) approved by City of Oakland Planning Commission on June 4, 2008, and this action implements the previously approved entitlements that were analyzed under the 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 upon the City’s receipt and acceptance of the required one-year maintenance bond (or other approved security) in the amount of \$897,750.00 pursuant to the SIA, the City Engineer is hereby authorized and directed to execute the Unconditional Certificate of Completion (substantially in the form attached hereto as Exhibit A) for the MacArthur Transit Village Phase One public improvements, and to file the executed UCC with the Alameda County Recorder’s Office. and now, therefore, be it

**FURTHER RESOLVED:** That all documents related to this Resolution shall be reviewed and approved by the Office of the City Attorney prior to execution; and be it

**FURTHER RESOLVED:** That the Council finds and determines that this acceptance of public improvements is a ministerial action that is exempt from CEQA pursuant to Public Resources Code § 21080(b)(1) and CEQA Guidelines § 15268”; and be it

**FURTHER RESOLVED:** That this action complies with CEQA because the improvements in question were approved as part of the entitlements for the MacArthur Transit Village Project, which was analyzed in the Environmental Impact Report (“EIR”) approved by City of Oakland Planning Commission, and this action implements the previously approved entitlements that were analyzed under the EIR. As such there are no circumstances pursuant to CEQA Guidelines section 15162 and 15164 that would necessitate further environmental review; 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: Draft Unconditional Certificate of Completion*