

APPROVED AS TO FORM AND LEGALITY

Brian Mulry
CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

RESOLUTION ACCEPTING PUBLIC INFRASTRUCTURE IMPROVEMENTS, DIRECTING THE FILING OF AN UNCONDITIONAL CERTIFICATE OF COMPLETION (“UCC”) FOR THE 4430, 4440, AND 4448 HOWE STREET PUBLIC IMPROVEMENTS PER THE SUBDIVISION IMPROVEMENT AGREEMENT (“SIA”) FOR DEFERRED CONSTRUCTION OF PUBLIC INFRASTRUCTURE IMPROVEMENTS, AND MAKING CALIFORNIA ENVIRONMENTAL QUALITY ACT (“CEQA”) FINDINGS.

WHEREAS, on May 2, 2024, Oakmeda Management, 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 recorded in the Official Records of Alameda County as Series No. 2024055938 for 4430, 4440, and 4448 Howe Street public improvements related to Tract Map No. 8393, filed in Book 371 of Maps, pages 60 through 62, in the Official Records of Alameda County as Series No. 2024055937; and

WHEREAS, on May 20, 2024, the Developer obtained construction permit PX1800046 for the public infrastructure work identified in the SIA and provided surety in the form of a Performance Bond in the amount of \$129,800.00 and Labor and Materials Bond in the amount of \$64,900.00; and

WHEREAS, the public improvements required by the SIA have now been completed, inspected and approved by the City; and

WHEREAS, the SIA requires that a two (2) 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 City will retain a Maintenance Bond of \$32,450.00, equivalent to one-quarter of the Performance Bond, for the two year-maintenance period; and

WHEREAS, the Developer has provided a surety bond for the two-year maintenance period in the amount of \$32,450.00; and

WHEREAS, the City will release the remaining retained amounts of the Performance Bond, and the Labor and Materials Bond for the public infrastructure construction under permit PX1600019; 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 Environmental Quality Act (“CEQA”) pursuant to Public Resources Code section 21080 (b)(1) and CEQA Guidelines section 15268 (Ministerial Projects); 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 the City Engineer is hereby authorized to execute the UCC and is directed to file the completed UCC with the Alameda County Recorder as denoted in **Exhibit A**; and 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 action is exempt from CEQA pursuant to Public Resources Code section 21080 (b)(1) and CEQA Guidelines section 15268 (Ministerial Projects) since this is a ministerial action required under the SIA, which has been previously agreed to and executed by the City and Developer; 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 (“UCC”)