



## STAFF REPORT

**Date:** February 10, 2015

**To:** Bryan Montgomery, City Manager

**From:** Kevin Rohani, Public Works Director/City Engineer

**Subject:** Parcel Map for Minor Subdivision MS 14-979 (City of Oakley, Southeast corner of Empire Avenue & Neroly Road)

Approved and Forwarded to City Council:

  
Bryan H. Montgomery, City Manager

### **Background and Analysis**

In 2011, the City purchased two parcels consisting of nearly 7 acres at the southeast corner of Empire Avenue and Neroly Road. These parcels had been mapped with the development of the Diamond Hills Sports Club project in 2007. In October of 2014, the City entered into an agreement with Glenn and Robbin Moffatt to sell a portion of one of the parcels for a proposed retail building. The portion to be sold consists of approximately 6,000 square feet from the existing 4.6 acre parcel. Once City Council approves the Parcel Map for MS 14-979, the parcel map can be recorded and the sale of the 6,000 square foot parcel can be completed.

On February 2, 2015 the Zoning Administrator (ZA) of the City of Oakley issued ZA Order No. 15-01 which approved the tentative map for Minor Subdivision MS 14-979 at the southeast corner of Empire Avenue and Neroly Road, and includes two proposed parcels.

There are no public improvements to be constructed associated with this parcel map since all improvements were constructed previously with the sports club project.

The City Engineer and City Surveyor have reviewed the tentative map and the parcel map, and have found the parcel map to be technically correct and in substantial compliance with the approved tentative map.

### **Fiscal Impact**

There is no fiscal impact associated with this action.

### **Staff Recommendation**

Staff recommends that the City Council adopt the attached resolution approving the Parcel Map entitled "PARCEL MAP MS 14-979".

**Attachments**

- 1) Resolution for Parcel Map
- 2) Reduction of MS 14-979 Parcel Map
- 3) ZA Order No. 15-01

**RESOLUTION NO. XX-15**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY  
CALIFORNIA, APPROVING THE PARCEL MAP TITLED  
"PARCEL MAP MS 14-979" LOCATED AT THE SOUTHEAST CORNER OF  
EMPIRE AVENUE AND NEROLY ROAD**

**WHEREAS**, on February 2, 2015 the Zoning Administrator of the City of Oakley issued ZA Order No. 15-01 which approved the tentative map for Minor Subdivision MS 14-979 at the southeast corner of Empire Avenue and Neroly Road and includes two proposed parcels.

**WHEREAS**, the City Engineer has determined that the final parcel map is in substantial compliance with the approved tentative parcel map; and

**WHEREAS**, the City Surveyor has determined that the map is technically correct.

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED**, by the City Council of the City of Oakley that the parcel map labeled "Parcel Map, MS 14-979", as prepared by BKF Engineers be and hereby is approved.

**PASSED AND ADOPTED** by the City Council of the City of Oakley at a meeting held on the 10<sup>th</sup> of February, 2015 by the following vote:

AYES:  
NOES:  
ABSTENTIONS:  
ABSENT:

APPROVED:

ATTEST:

\_\_\_\_\_  
Doug Hardcastle, Mayor

\_\_\_\_\_  
Libby Vreonis, City Clerk

\_\_\_\_\_  
Date

OWNER'S STATEMENT

THE UNDERSIGNED, BEING THE ONLY PARTY HAVING A RECORD TITLE INTEREST IN THE LANDS DELINEATED WITHIN THE HEAVY BLACK LINES UPON THIS MAP, DOES HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THE SAME.

THE CITY OF OAKLEY, A MUNICIPAL CORPORATION

BY: \_\_\_\_\_  
NAME: \_\_\_\_\_  
ITS: \_\_\_\_\_

OWNER ACKNOWLEDGMENT

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT

ON \_\_\_\_\_ 20\_\_\_\_, BEFORE ME, \_\_\_\_\_ A NOTARY PUBLIC,

PERSONALLY APPEARED 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/THEY EXECUTED THE SAME IN HIS/HER/THEIR AUTHORIZED CAPACITY(IES), AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTRY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

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'S SIGNATURE: \_\_\_\_\_

PRINTED NAME: \_\_\_\_\_

COUNTY OF PRINCIPAL PLACE OF BUSINESS: \_\_\_\_\_

COMMISSION No.: \_\_\_\_\_

COMMISSION EXPIRATION DATE: \_\_\_\_\_

PARCEL MAP  
SUBDIVISION MS 14-979

CONSISTING OF 2 SHEETS

BEING A SUBDIVISION OF PARCEL 2, AS SHOWN ON SUBDIVISION MS 07-976, FILED FOR RECORD ON NOVEMBER 14, 2007 IN BOOK 201 OF PARCEL MAPS AT PAGE 28, CONTRA COSTA COUNTY RECORDS

LYING ENTIRELY WITHIN THE CITY OF OAKLEY, CONTRA COSTA COUNTY, CALIFORNIA

DATE: JANUARY 2015



SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED 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 THE CITY OF OAKLEY, A MUNICIPAL CORPORATION ON JANUARY 2015. I HEREBY STATE THAT ALL THE MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, AND THAT THE MONUMENTS ARE OR WILL BE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACTED, AND FURTHER STATE THAT THIS SUBDIVISION ENTITLED "SUBDIVISION MS 14-979" IS A SUBDIVISION CONTAINING 4.618 ACRES, MORE OR LESS.

DAVIS THRESH  
P.L.S. NO. 8868  
LIC. EXP. 9-30-2016



CITY ENGINEER'S STATEMENT

I, KOUROSH ROHANI, CITY ENGINEER OF THE CITY OF OAKLEY, DO HEREBY STATE THAT I HAVE EXAMINED THIS MAP ENTITLED "PARCEL MAP MS 14-979" THAT SAID PARCEL MAP AS SHOWN IS IN SUBSTANTIAL CONFORMANCE WITH THE TENTATIVE MAP IF ANY, AND ANY APPROVED ALTERATION THEREOF; AND THAT ALL PROVISIONS OF STATE LAW AND LOCAL ORDINANCES WHICH GOVERNED THE FILING OF SUBDIVISION MAP AT THE TIME OF SAID TENTATIVE PARCEL MAP, IF REQUIRED, WAS APPROVED HAVE BEEN COMPLIED WITH.

KOUROSH ROHANI, R.C.E. NO. 81138  
CITY ENGINEER, CITY OF OAKLEY  
CONTRA COSTA COUNTY, CALIFORNIA  
REG. EXPIRES SEPTEMBER 30, 2015

CITY SURVEYOR'S STATEMENT

I, FRANCIS JOSEPH KENNEDY, CITY SURVEYOR OF THE CITY OF OAKLEY, DO HEREBY STATE THAT I HAVE EXAMINED THIS MAP ENTITLED "SUBDIVISION MS 14-979" AND I AM SATISFIED THAT SAID MAP IS TECHNICALLY CORRECT.

FRANCIS JOSEPH KENNEDY  
CITY SURVEYOR, CITY OF OAKLEY, CONTRA COSTA COUNTY, STATE OF CALIFORNIA  
R.C.E. NO. 21771  
EXPIRATION DATE 9-30-2015

CITY CLERK'S STATEMENT

I, LIBBY VREONIS, CITY CLERK AND CLERK OF THE COUNCIL OF THE CITY OF OAKLEY, DO HEREBY CERTIFY THAT THE HEREIN EMBODIED PARCEL MAP ENTITLED "SUBDIVISION MS 14-979", CONSISTING OF TWO (2) SHEETS, THIS STATEMENT BEING ON SHEET ONE (1) THEREOF, WAS PRESENTED TO THE CITY COUNCIL, AS PROVIDED BY LAW, AT A REGULAR MEETING THEREOF HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_, AND THAT SAID COUNCIL DID THEREUPON BY RESOLUTION NUMBER \_\_\_\_\_ PASSED AND ADOPTED AT SAID MEETING, APPROVE SAID MAP AND DO ACCEPT, SUBJECT TO IMPROVEMENT SHOWN THEREON AS DEDICATED TO PUBLIC USE

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

LIBBY VREONIS  
CITY CLERK AND CLERK OF THE COUNCIL OF THE CITY OF OAKLEY  
CONTRA COSTA COUNTY  
STATE OF CALIFORNIA

CLERK OF THE BOARD OF SUPERVISOR'S CERTIFICATE

I STATE, AS CHECKED BELOW, THAT  
( ) A TAX BOND ASSURING PAYMENT OF ALL TAXES WHICH ARE NOW A LIEN, BUT NOT YET PAYABLE, HAS BEEN RECEIVED AND FILED WITH THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, STATE OF CALIFORNIA.

( ) ALL TAXES DUE HAVE BEEN PAID, AS CERTIFIED BY THE COUNTY REDEMPTION OFFICER.

DAVID J. TWA  
CLERK OF THE BOARD OF SUPERVISORS  
AND COUNTY ADMINISTRATOR OF CONTRA COSTA COUNTY, STATE OF CALIFORNIA

BY: \_\_\_\_\_  
DEPUTY CLERK

PRINT NAME

COUNTY RECORDER'S STATEMENT

THE PARCEL MAP ENTITLED "SUBDIVISION MS 14-979" IS HEREBY ACCEPTED FOR RECORDATION, SHOWING A CLEAR TITLE AS PER LETTER OF TITLE WRITTEN BY OLD REPUBLIC TITLE COMPANY, DATED THE \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_ AND AFTER EXAMINING THE SAME, I DEEM THAT SAID MAP COMPLIES IN ALL RESPECTS WITH THE PROVISIONS OF STATE LAWS AND LOCAL ORDINANCES GOVERNING THE FILING OF SUBDIVISION MAPS.

FILED AT THE REQUEST OF OLD REPUBLIC TITLE COMPANY AT \_\_\_\_\_ M. ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_ IN BOOK \_\_\_\_\_ OF MAPS AT PAGE(S) \_\_\_\_\_ AND \_\_\_\_\_ IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA.

JOSEPH E. CANCEMI  
COUNTY RECORDER IN AND FOR THE COUNTY OF CONTRA COSTA  
STATE OF CALIFORNIA

BY: \_\_\_\_\_  
DEPUTY COUNTY RECORDER

PRINT NAME

# PARCEL MAP

## SUBDIVISION MS 14-979

CONSISTING OF 2 SHEETS

BEING A SUBDIVISION OF PARCEL 2, AS SHOWN ON SUBDIVISION MS 07-976, FILED FOR RECORD ON NOVEMBER 14, 2007 IN BOOK 201 OF PARCEL MAPS AT PAGE 28, CONTRA COSTA COUNTY RECORDS

LYING ENTIRELY WITHIN THE CITY OF OAKLEY, CONTRA COSTA COUNTY, CALIFORNIA

SCALE 1" = 60' DATE: JANUARY 2015



### BASIS OF BEARINGS

THE BEARING N89°22'35"W OF THE CENTER LINE OF NEROLY ROAD, BETWEEN FOUND MONUMENTS, AS SHOWN ON PARCEL MAP SUBDIVISION MS 07-976, FILED FOR RECORD ON NOVEMBER 14, 2007 IN BOOK 201 OF MAPS AT PAGE 28, RECORDS OF CONTRA COSTA COUNTY, WAS TAKEN AS THE BASIS OF BEARINGS FOR THIS SURVEY.

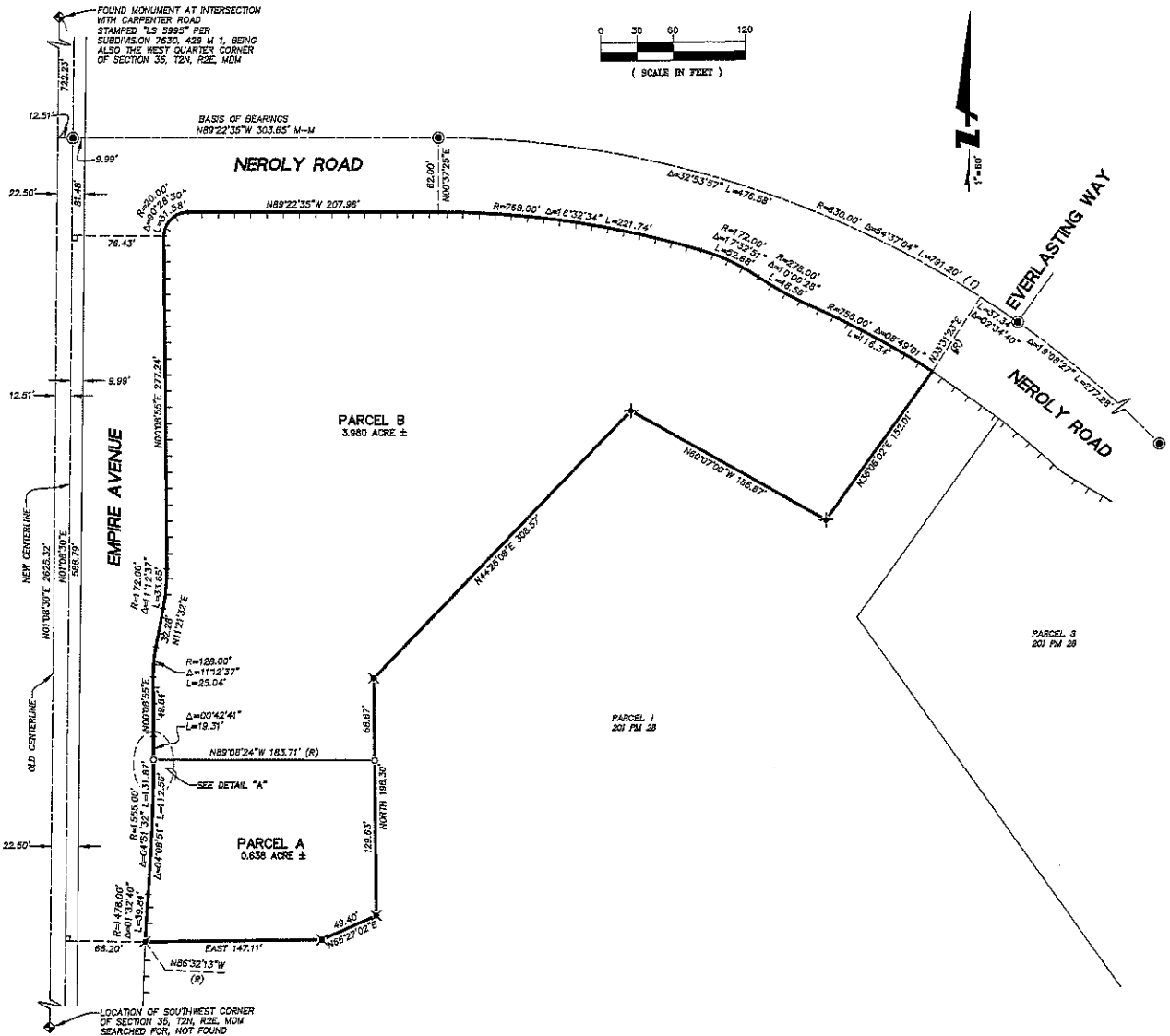
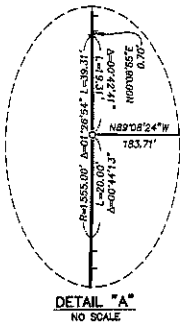
### NOTES

- ALL DISTANCES AND DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
- THE DISTINCTIVE BORDER LINE INDICATES THE BOUNDARY OF THE LAND SUBDIVIDED BY THIS MAP AND CONTAINS AN AREA OF 4.142 ACRES, MORE OR LESS.

### LEGEND

- ⊙ FOUND 2-1/2" DIA. BRASS DISC MONUMENT IN MONUMENT WELL, STAMPED "LS 7176" PER SUBDIVISION 6731, 428 M 13
- ✕ FOUND PK NAIL WITH SHNER, STAMPED "RCE 25169" PER PARCEL MAP, 201 PM 28
- ✎ FOUND 1/2" DIA. REBAR WITH PLASTIC CAP, STAMPED "RCE 25169" PER PARCEL MAP, 201 PM 28
- SET 3/4" IRON PIPE WITH PLASTIC PLUG AND TACK, STAMPED "LS 6868"

- DISTINCTIVE BOUNDARY LINE
- CENTER LINE/MONUMENT LINE
- NON-ACCESS LINE
- M-M MONUMENT TO MONUMENT
- (T) TOTAL DISTANCE VALUE



BKF 201505005

**ZA ORDER NO. 15-01**

**OFFICE OF THE ZONING ADMINISTRATOR  
CITY OF OAKLEY  
APPROVING MINOR SUBDIVISION (MS 14-979)  
Project Name: Tentative Parcel Map 01-15**

**WHEREAS**, in 2011, the City purchased approximately 6.98-acres of land consisting of two parcels (APN's 034-040-016 and 017) located at the southeast corner of Empire Avenue and Neroly Road; and

**WHEREAS**, the City purchased the property to further the economic development of the property; and

**WHEREAS**, on October 14, 2014, the City entered into an agreement with Glenn and Robbin Moffatt to sell a portion of APN 034-040-016 for the purposes of constructing a 6,000 square foot retail building; and

**WHEREAS**, as part of the Real Property Purchase Agreement dated October 14, 2014, the City agreed to commission the preparation of a Tentative Parcel Map to subdivide the land prior to the close of escrow; and

**WHEREAS**, on January 22, 2015 the subject application was filed by the City of Oakley for a two-lot minor subdivision (MS 14-979) of approximately 4.618 acres at the southeast corner of Empire Avenue and Neroly Road (APN: 034-040-016), which is located in the City of Oakley; and

**WHEREAS**, the application was duly noticed pursuant to Government Code Section 65091 and Oakley Municipal Code Section 2.4.0104(c); and

**WHEREAS**, the subject application is Categorically Exempt pursuant to Section 15315 of the California Environmental Quality Act (Minor Land Division); and

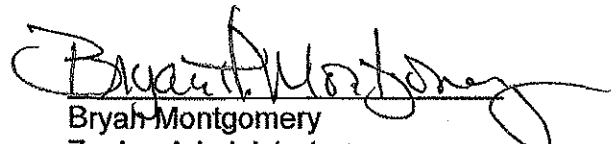
**WHEREAS**, the proposed Minor Subdivision is consistent with the General Plan and provisions of the City of Oakley Municipal Code; and

**WHEREAS**, the City of Oakley Municipal Code section 2.4.016, allows the Zoning Administrator to approve a Minor Subdivision without a public hearing.

**NOW, THEREFORE, BE IT RESOLVED** that the Zoning Administrator does hereby approve Minor Subdivision MS 14-979, based on the following findings:

1. The subdivision is consistent with the General Plan.
2. The subdivision will not adversely affect the surrounding properties, which are either zoned for or developed with similar uses.
3. The subdivision, as designed, is not detrimental to the public health, safety, and aesthetics of the surrounding area.
4. The subdivision meets all of the provisions of the City's Zoning Code relating to uses.

Based on the above findings, on February 2, 2015, the Zoning Administrator approved said application.

  
Bryan Montgomery  
Zoning Administrator