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RESOLUTION NO.2010-50

**A RESOLUTION OF THE ALBANY CITY COUNCIL ACCEPTING
THE OFFER OF DEDICATION FOR A CERTAIN REAL PROPERTY
FROM THE ALBANY UNIFIED SCHOOL DISTRICT TO THE CITY FOR
THE CONSTRUCTION OF A CURB RAMP AT THE SOUTHWEST
CORNER OF THE INTERSECTION OF JACKSON STREET AND
BUCHANAN STREET**

WHEREAS, The City has been awarded a Safe Routes to School (SR2S) grant to upgrade the signal located at Buchanan Street and Jackson Street and to implement pedestrian improvements around Ocean View Elementary School; and

WHEREAS, this improvements include a new signal with protected left turns, pedestrian bulb outs, curb ramps, and solar speed feedback signs; and

WHEREAS, in order to implement these improvements, the City needs to acquire right of way from the property owners, which in case of this project, include the Albany Unified School District (AUSD) and the University of California; and

WHEREAS, the City requested the conveyance by the AUSD of a certain portion of the property owned by the AUSD fronting Buchanan Street at the Ocean View Elementary School, measuring approximately seventy and one-half (70.5) square feet (illustrated in Exhibit B); and

WHEREAS, on February 2, 2010, the AUSD Board conducted a public hearing, in accordance with the Education Code, to convey the piece of real property to the City, at which no protest was filed against the proposed conveyance; and

Recorded at the request of:
City of Albany
Engineering Services Division

Return to:
City of Albany
Public Works Department
Records Section

OFFER OF DEDICATION – ROAD PURPOSES
(Buchanan Street)

No recording fee pursuant to Government Code §6103

ALBANY UNIFIED SCHOOL DISTRICT of Alameda County, State of California, a Public Corporation, the undersigned, being the present title owner (s) of record of the herein described parcel of land, does hereby make an irrevocable offer of dedication to **CITY OF ALBANY**, a political subdivision of the State of California, and its successors or assigns, for street and highway purposes, the real property situated in the City of Albany, County of Alameda, State of California, described in Exhibit "A" (written description) and shown on Exhibit "B" (plat map) attached hereto.

It is understood and agreed that **CITY OF ALBANY** and its successors or assigns shall incur no liability with respect to such offer of dedication, and shall incur no liability with respect to such offer of dedication, and shall not assume any responsibility for the offered parcel of land or any improvements thereon or therein, until such offer has been accepted by appropriate action of the City Council, or of the local governing bodies of its successors or assigns.

The provisions hereof shall inure to the benefit of and be binding upon heirs, successors, assigns, and personal representatives of the respective parties hereto.

IN WITNESS WHEREOF, these presents have executed this instrument this 8th day of September, 2010.

GRANTOR:

ALBANY UNIFIED SCHOOL DISTRICT

By Ronald Rosenbaum 

Its President, Board of Education

ACKNOWLEDGMENT

State of: California

County of: Alameda

On Sept. 8, 2010, before me, A. Hsu, Notary Public
(name and title of the officer)

personally appeared Ronald Rosenbaum

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 entity 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 and official seal


Signature of Notary Public

(seal)

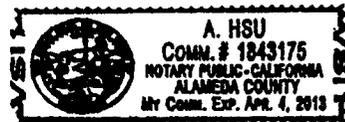


EXHIBIT A

Offer of Dedication Parcel for Roadway Purposes

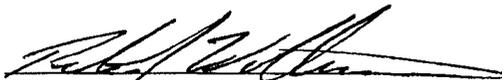
Area "A"

An Offer of Dedication Parcel situated in the City of Albany, County of Alameda, State of California, being a portion of the Albany Unified School District (AUSD) parcel of land described in a deed recorded June 19, 1974, RE: 3708 IM: 866, in the Alameda County Records, as shown on the Survey Map filed August 5, 1999 in Book 23 of Records of Survey at Pages 84-86 (ROS 1583), in the Alameda County Records, and being more particularly described as follows:

Beginning at the northeasterly corner of said AUSD parcel of land (RE: 3708 IM: 866) as shown on said ROS 1583 (R/S 23, PG. 84-86) also being a point on the southerly Right of Way (ROW) line of Buchanan Street; thence proceeding westerly along northern line of said AUSD parcel (RE: 3708 IM: 866), South 88°08'37" West, 6.00 feet; thence leaving said northerly line, South 13°10'53" East, 20.40 feet; thence North 88°08'37" East, 6.00 feet to a point on the easterly line of said AUSD parcel (RE: 3708 IM: 866); thence along said easterly line North 13°10'53" West, 20.40 feet to the **Point of Beginning**.

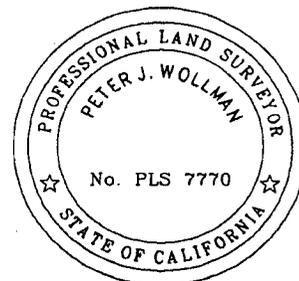
CONTAINING 120 square feet, more or less.

Signature



Professional Land Surveyor
P.L.S. #7770, Exp. 12/31/11

Date 8-24-10



ALBANY UNIFIED SCHOOL DISTRICT
 APN 066-2692-002-05
 ALBANY, CA

EXHIBIT B
PLAT MAP

(TO ACCOMPANY LEGAL DESCRIPTION)

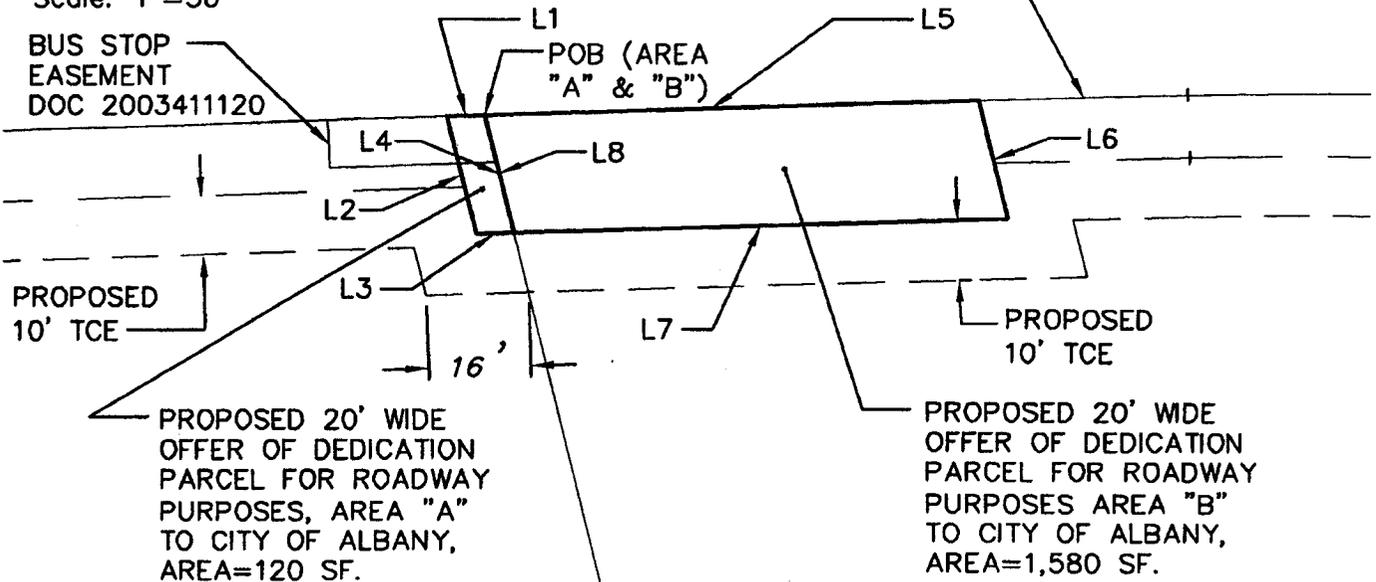
REGENTS OF THE
 UNIVERSITY OF CALIFORNIA
 APN 066-2692-002-06
 1807 OR 103
 ALBANY, CA



Scale: 1"=30'

BUS STOP
 EASEMENT
 DOC 2003411120

BUCHANAN ST. (ROW)



PROPOSED
 10' TCE

PROPOSED 20' WIDE
 OFFER OF DEDICATION
 PARCEL FOR ROADWAY
 PURPOSES, AREA "A"
 TO CITY OF ALBANY,
 AREA=120 SF.

PROPOSED
 10' TCE

PROPOSED 20' WIDE
 OFFER OF DEDICATION
 PARCEL FOR ROADWAY
 PURPOSES AREA "B"
 TO CITY OF ALBANY,
 AREA=1,580 SF.

ALBANY UNIFIED SCHOOL
 DISTRICT
 APN 066-2692-002-05
 re: 3708, im: 866

REGENTS OF
 UNIVERSITY OF
 CALIFORNIA
 APN 066-2692-002-06
 1807 OR 103

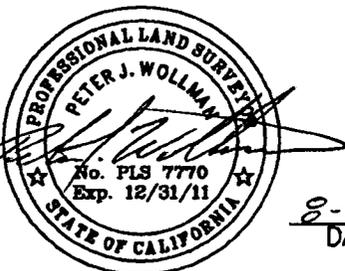
LINE TABLE AREA "A"

LINE#	BEARING	LENGTH
L1	S88°08'37"W	6.00'
L2	S13°10'53"E	20.40'
L3	N88°08'37"E	6.00'
L4	N13°10'53"W	20.40'

LINE TABLE AREA "B"

LINE#	BEARING	LENGTH
L5	N88°08'37"E	79.00'
L6	S13°10'53"E	20.40'
L7	S88°08'37"W	79.00'
L8	N13°10'53"W	20.40'

NOTE:
 UNLESS INDICATED
 EXISTING EASEMENTS ARE
 NOT SHOWN HEREON.



8-24-10
 DATE



Leptien, Cronin, Cooper, Morris & Poore, Inc.
 dba LCC, Inc.
 Civil Engineering - Land Surveying

930 Estudillo Street
 Martinez, California 94553-1620
 (925) 228-4218 Fax (925) 228-4638
 July 2010 LCC JOB No. 2006.033.52

RESOLUTION NO. 2009-10-09

BOARD OF EDUCATION OF THE ALBANY UNIFIED SCHOOL DISTRICT

**RESOLUTION APPROVING THE CONVEYANCE OF CERTAIN REAL
PROPERTY TO THE CITY OF ALBANY FOR THE INSTALLATION
OF A CURB RAMP LOCATED AT THE SOUTHWEST CORNER
OF JACKSON STREET AND BUCHANAN STREET**

WHEREAS, the Albany Unified School District ("School District") is the owner of certain real property located at 1000 Jackson Street, in the City of Albany ("City"), County of Alameda, State of California, more commonly known as Ocean View Elementary School ("School"); and

WHEREAS, the City requests the conveyance by the School District of a certain portion of the property owned by the School District fronting Buchanan Street at the School, measuring no more than approximately seventy and one-half (70.5) square feet as more particularly illustrated in Exhibit A, attached hereto and incorporated by reference ("Property"), for the purposes of constructing, operating and maintaining a curb ramp located at the southwest corner of Jackson Street and Buchanan Street; and

WHEREAS, the Property belonging to the School District is not now and is not expected to be needed exclusively for classroom or other school purposes by the School District; and

WHEREAS, the curb ramp will be part of a project by the City to install a left-hand turn lane, which turn lane will improve traffic flow by and to the School, and it is therefore in the best interest of the School District to convey the Property to the City for such purposes; and

WHEREAS, Education Code sections 17556, et seq., provide that the governing board of a school district may convey to a municipal corporation real property belonging to the school district for public street purposes; and

WHEREAS, on January 19, 2010, the Board of Education of the School District adopted by a two-thirds vote of all its members Resolution No. 2009-10-08 ("Resolution"),

declaring its intention pursuant to Education Code section 17557 to convey in fee the Property to the City and establishing that during its regular meeting on or after January 5, 2010, the Board of Education would conduct a public hearing upon the question of making the conveyance of the Property to the City pursuant to Education Code section 17558; and

WHEREAS, pursuant to Education Code section 17558, notice of adoption of the Resolution was given by posting a true copy of the Resolution in three public places in the School District not less than ten days before the February 2, 2010 public hearing, and notice of the public hearing was given by publishing a true copy of the Resolution in the West County Times, a newspaper of general circulation, published in the School District, not less than five days before the February 2, 2010 public hearing; and

WHEREAS, the public hearing took place on February 2, 2010; and

WHEREAS, no protest was filed against the proposed conveyance at the February 2, 2010 public hearing pursuant to Education Code section 17560; and

WHEREAS, after hearing and considering all information presented to the Board of Education prior to and at the public hearing, the Board of Education concludes that it is in the best interest of the School District to convey the Property to the City for the purpose of constructing, operating and maintaining a curb ramp located at the southwest corner of Jackson Street and Buchanan Street.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the above recitals are true and correct; and

BE IT FURTHER RESOLVED that pursuant to Education Code sections 17559, et seq., the Board of Education hereby agrees to convey the Property to the City for the purposes set forth herein; and

BE IT FURTHER RESOLVED that upon the effective date of such conveyance, the City shall assume all of the rights and obligations as fee simple owner of the Property; and

BE IT FURTHER RESOLVED that the President of the Board of Education is authorized and directed to execute and deliver the deed of conveyance to the City attached hereto as Exhibit B; and

BE IT FURTHER RESOLVED that the conveyance shall be effective upon the delivery and acceptance of the deed by the City.

Passed and adopted on the 18th day of February, 2010, at a regular meeting of the Board of Education by the following vote:

AYES: 4

NAYS: 1

ABSENT: 0

I, Marla Stephenson, Clerk of the Board of Education of Albany Unified School District, hereby certify that the foregoing Resolution was duly introduced, passed and adopted by the Governing Board at a regular meeting thereof held on the 18 day of February, 2010, by a vote of 5 to 0



Marla Stephenson, Clerk