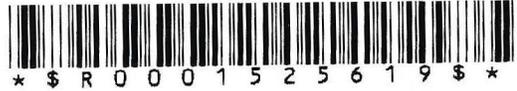


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DOCUMENT TITLE

RESOLUTION NO. 97-23

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND,
CALIFORNIA, ACCEPTING THE OFFER TO DEDICATE LAND FOR PUBLIC
STREET AND ROAD PURPOSES AFFECTING A PORTION OF BRICKYARD
COVE ROAD, AS SHOWN UPON THAT CERTAIN MAP ENTITLED
"BRICKYARD COVE MAP"**

RESOLUTION NO. 97-23

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA, ACCEPTING THE OFFER TO DEDICATE LAND FOR PUBLIC STREET AND ROAD PURPOSES AFFECTING A PORTION OF BRICKYARD COVE ROAD, AS SHOWN UPON THAT CERTAIN MAP ENTITLED "BRICKYARD COVE MAP"

WHEREAS, there is land designated for public street and road purposes affecting a portion of Brickyard Cove Road, as shown upon those certain final subdivision maps described as follows:

Subdivision 3637 in the County of Contra Costa, State of California, per the final subdivision map recorded on March 5, 1982, in Book 262 of Maps at pages 43 through 47, in the Office of the Recorder of Contra Costa County, California; and

Subdivision 3520 in the County of Contra Costa, State of California, per the final subdivision map recorded on December 12, 1968, in book 125 of Maps at page 16, in the office of the Recorder of Contra Costa County, California; and

WHEREAS, the Brickyard Cove Association No.1, a California nonprofit corporation (the "Association") owns and maintains certain parcels in Subdivision 3520, described above and BOARDWALK CAL, LLC, a Delaware limited liability company, as to a 20% tenant-in-common interest; BOARDWALK CK 40, LLC, a Delaware limited liability company, as to a 6% tenant-in-common interest; BOARDWALK CORONADO, LLC, a Delaware limited liability company, as to a 9% tenant-in-common interest; BOARDWALK PALMS, LLC, a Delaware limited liability company, as to a 25% tenant-in-common interest; and BOARDWALK TV, LLC, a Delaware limited liability company, as to a 40% tenant-in-common interest (collectively, "Boardwalk") own and maintain certain parcels in Subdivision 3637, described above; and

WHEREAS, City and Boardwalk are parties to that certain IMPROVEMENT AGREEMENT FOR SUBDIVISION 3637 – BRICKYARD COVE UNIT NO. 3, dated the 22nd of February, 1982, and recorded at Page 348 of Book 10690 of the Official Records of the County of Contra Costa and City and Association are parties to that certain AGREEMENT RESPECTING THE MANAGEMENT, MAINTENANCE AND CONTROL OF THE COMMON PROPERTIES AND IMPROVEMENTS IN THE BRICKYARD COVE SUBDIVISION NO. 3520 Made and entered into on the 24th of August, 1970, and recorded as Instrument No. 55362 at Page 153 of Book 6201 of the Official Records of the County of Contra Costa (collectively, the "Agreements") which Agreements, among other things, contemplated dedication of the Brickyard Cove Road Infrastructure (defined below) to the City; and

WHEREAS, pursuant to the Agreements, City has entered into separate infrastructure agreements with Association and Boardwalk which, among other things, provide for the dedication of the Brickyard Cove Road Infrastructure (collectively, the “Dedication Agreements”); and

WHEREAS, the Brickyard Cove Infrastructure dedicated for public street and road purposes as shown on the Brickyard Cove Road Map is described in Exhibits "A" and "B" attached hereto and incorporated by this reference; and

WHEREAS, Government Code section 66477.2(a) governs offers of dedication and acceptance by the City by resolution of real property for any public purpose which includes but is not limited to, streets, paths, alleys and public utility easements.

NOW, THEREFORE, BE IT RESOLVED THAT, the City Council of the City of Richmond hereby accepts the offer of dedication of the land designated for public street and road purposes affecting a portion of Brickyard Cove as described in Exhibits "A" and "B" and as identified on the attached Map, contingent on satisfaction of the following conditions:

1. City’s receipt of payments from the Association, Boardwalk and other Brickyard Cove homeowners’ associations as set forth in the Dedication Agreements.
2. City and Association and City and Boardwalk enter into separate landscape easement agreements whereby City will grant Association and Boardwalk the right to enter their respective subdivisions for Association and Boardwalk to fulfill their obligations to maintain the landscaping on or around Brickyard Cove Road, as more specifically described in the Dedication Agreements.
3. Complete execution and recordation of the Dedication Agreements.

This Resolution shall become effective on September 26, 2023, and shall be recorded by the City Clerk in the Contra Costa County Recorder's Office shortly thereafter.

I certify that the foregoing resolution was passed and adopted by the City Council of the City of Richmond at a regular meeting thereof held on September 26, 2023, by the following vote:

AYES: Councilmembers Bana, Jimenez, Robinson, Willis, Zepeda, Vice Mayor McLaughlin, and Mayor Martinez.
NOES: None.
ABSTENTIONS: None.
ABSENT: None.

PAMELA CHRISTIAN
CLERK OF THE CITY OF RICHMOND
(SEAL)

Approved:

EDUARDO MARTINEZ
Mayor

Approved as to form:

DAVE ALESHIRE
City Attorney



State of California }
County of Contra Costa } : ss.
City of Richmond }

I certify that the foregoing is a true copy of **Resolution No. 97-23**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on September 26, 2023.

Certified as a True Copy

PAMELA CHRISTIAN
CLERK OF THE CITY OF RICHMOND, CALIFORNIA

BY Sabrina Gunday
ASSISTANT

EXHIBIT A

LEGAL DESCRIPTION OF ROAD PROPERTY

Brickyard Cove Road, as depicted and described on Tract 3637, recorded in the Office of the County Recorder of Contra Costa County, State of California, on March 5, 1982 in Book 262 of Maps, Pages 43 to 47.

APN: 560-430-013

Parcel B, as shown and so designated on the Map of Subdivision 3520, filed December 12, 1968, Map Book 125, Page 16, Contra Costa County Records.

APN: 560-410-065

