

CITY OF OAKLAND
Agenda Report

OFFICE OF THE CITY ADMINISTRATOR
2007 JUN 26 10:28:39

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Community and Economic Development Agency
DATE: June 26, 2007

RE: **An Ordinance Vacating Paxton Avenue Between Its Intersection With Coolidge Avenue and Its Terminus in Peralta Hacienda Historical Park**

SUMMARY

An ordinance has been prepared vacating Paxton Avenue between its intersection with Coolidge Road and its terminus in Peralta Hacienda Historical Park for the purpose of expanding parkland green space. Vacation of the public right-of-way will conclude a Capital Improvement Project that has replaced the roadway with landscaping improvements for the historic Fruit Alley (park Master Plan phase IIIA). An underground public easement will be reserved for future utilities. The City Council will simultaneously hold a concurrent public hearing for a companion resolution to receive public comments and adopt findings for the proposed vacation.

FISCAL IMPACT

Staff costs for processing the street vacation are covered by fees set by the Master Fee Schedule and have been reimbursed to the Community and Economic Development Agency from the Capital Improvement Fund (project C196710) and were deposited in the special revenue Development Service Fund (2415), Engineering Services organization (88432), Encroachment Permits account (42314), Engineering and Architectural Plan Approval (PS30).

PROJECT DESCRIPTION

The section of Paxton Street is being vacated to conclude a Capital Improvement Project that has replaced the roadway for an expansion of the existing park (park Master Plan phase IIIA).

The three-step process for a general vacation of public right-of-way is prescribed by the California Streets and Highways Code (section 8300, et seq.). Staff has completed the public announcement requirements: site posting and newspaper publication. Two (2) concurrent public hearings by the City Council are now required to complete the vacation process. In the first, the Council will receive public testimony, if any, and adopt findings, by the proposed companion resolution, as required by the Streets and Highways Code, the Public Resources Code, and the Government Code. In the second hearing, the Council will complete the first reading for the proposed ordinance vacating the public right-of-way.

KEY ISSUES AND IMPACTS

The California statutes pertaining to street vacation require that the City make determinations concerning public notification, public access and easements, right-of-way ownership, the General Plan and park Master Plan, and the California Environmental Quality Act. These findings will be adopted by the City Council in the companion resolution at the concurrent public hearing.

Item No. _____
Public Works Committee
June 26, 2007

SUSTAINABLE OPPORTUNITIES

Economic

The expansion of parkland green space by the Capital Improvement Project has provided opportunities for professional services and construction related jobs for the Oakland community.

Environmental

Contract documents for Capital Improvement Projects require that contractors comply with City requirements for reducing noise, dust, construction debris, and storm drainage pollutant runoff.

Social Equity

The expansion of parkland green space will enhance opportunities for public recreational activities and will encourage the infusion and recurrence of diverse multi-cultural activities.

DISABILITY AND SENIOR CITIZEN ACCESS

Parkland improvements will conform with State and City requirements for accessibility.

RECOMMENDATIONS

Staff recommends the Committee accept this report and forward it to the City Council for their scheduled meeting on July 03, 2007, to adopt the proposed ordinance.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council accept this report and adopt the proposed ordinance vacating Paxton Avenue to expand green space in Peralta Hacienda Historical Park.

Respectfully submitted,



CLAUDIA CAPPIO

Development Director

Community and Economic Development Agency

Prepared by:

Raymond M. Derania

Interim City Engineer

Building Services Division

APPROVED FOR FORWARDING TO
THE PUBLIC WORKS COMMITTEE



OFFICE OF THE CITY ADMINISTRATOR

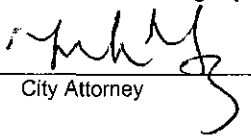
Introduced by

Councilmember

OFFICE OF THE CITY CLERK

2007 JUN 15 PM 2:39

Approved for Form and Legality



City Attorney

OAKLAND CITY COUNCIL

Ordinance No. _____ C.M.S.

ORDINANCE VACATING PAXTON AVENUE FROM ITS INTERSECTION WITH COOLIDGE AVENUE TO ITS TERMINUS AT PERALTA HACIENDA HISTORICAL PARK

Whereas, pursuant to the California Streets and Highways Code, a hearing was held in the Chamber of the City Council, on the Third Floor of City Hall, at One Frank H. Ogawa Plaza, in Oakland, California, on July 03, 2007, beginning at 7:01 p.m. local time to receive supporting evidence and public comments for a proposed ordinance vacating Paxton Avenue to the City of Oakland, a municipal corporation, that owns the real property adjoining the section of said street, commonly known Peralta Hacienda Historical Park and identified by the Alameda County Assessor as parcel numbers 027-0875-011-00 and 027-0878-001-00; and

Whereas, pursuant to the California Streets and Highways Code, Government Code, and Public Resources Code, the Council of the City of Oakland has previously made the following findings by Resolution:

- the proposed vacation conforms with the City of Oakland's adopted General Plan, and
- the location and extent of the proposed vacation was properly noticed to the public, and
- the City of Oakland owns the underlying fee interest in the public right-of-way proposed to be vacated, and
- the proposed vacation does not require dedication of a public service easements for existing or future undergrounded utilities owned and maintained by local providers, and
- the proposed vacation does not limit public use or impede public access for non-motorized transportation, and
- the proposed vacation will not increase traffic and pedestrian inconvenience nor decrease traffic and pedestrian safety, and
- the hearing to receive supporting evidence and public comments for the vacation was properly noticed to the public; and

Whereas, the Council of the City of Oakland, in its official capacity, has determined that the vacation of Paxton Avenue is necessary to facilitate the expansion of the contiguous public park into the vacated public right-of-way; and

Whereas, the City Council finds and determines that this Ordinance complies with the California Environmental Quality Act (CEQA) based upon the following, each of which provides a separate and independent basis, (1) reliance upon the Mitigated Negative Declaration (ER-02-0008)

prepared and approved for this project in 2002; (2) CEQA Guidelines section 15304, and (3) CEQA Guidelines section 15183.

Whereas, the Council of the City of Oakland, in its official capacity, has previously approved the Peralta Hacienda Historic Park Phase 3A, Landscape Improvement, Fruit Alley, Capital

Improvement Project number C196790, to remove existing roadway improvements and construct public park improvements within the vacated public right-of-way ; and

Whereas, the Council of the City of Oakland has previously awarded a public contract for the construction of said capital improvements; and

Whereas, the City of Oakland and local utility providers shall install, maintain, repair, and replace public infrastructure within the public park, including existing sanitary sewer piping beneath said street; and

Whereas, a map delineating and text describing the metes and bounds of the extent and location of the proposed vacation of Paxton Avenue is attached hereto as *Exhibit A*; now, therefore,

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

1. The vacation of Paxton Avenue, as delineated in the attached *Exhibit A*, is hereby ordered.
2. This order of vacation shall except and exempt a ten foot wide public service easement for the benefit of the Pacific Gas and Electric Company to access, maintain, operate, replace, remove, or renew its buried electrical power cables that connect its station C with the Port's Davis Substation.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2007

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID,
PRESIDENT DE LA FUENTE

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California

ff

NOTICE AND DIGEST

AN ORDINANCE VACATING PAXTON AVENUE BETWEEN ITS INTERSECTION WITH COOLIDGE AVENUE AND ITS TERMINUS IN PERALTA HACINEDA HISTORICAL PARK

This ordinance would vacate the full width and length of the public right-of-way for Paxton Avenue between its intersection with Coolidge Avenue and its terminus in Peralta Hacienda Historical Park for the purpose of expanding green space for public recreational activities in the newly constructed historic Fruit Alley.