

  
CITY ATTORNEY'S OFFICE

## OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C.M.S.

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**RESOLUTION VACATING A PORTION OF THE UTILITIES EASEMENT FOR THE FRUITVALE TRANSIT VILLAGE PHASE II-B PROJECT AT 3511 EAST 12<sup>TH</sup> STREET AND MAKING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS**

**WHEREAS**, the City of Oakland (City) is the owner of Parcel A, which is described in a Grant Deed, recorded April 28, 2017, Series No. 2017109163, by the Alameda County Clerk-Recorder, and which is further identified by the Alameda County Assessor as parcel number 033-2197-019-01 (“Subject Property”); and

**WHEREAS**, there is an existing utilities easement on the Subject Property located at 3511 East 12th Street (“Utility Easement”) and more particularly described in attached **Exhibit A** (“Legal Description”) and **Exhibit B** (“Graphic Delineation”); and

**WHEREAS**, the BRIDGE Housing Corporation (“Developer”) and the City entered into a long-term lease agreement for the Developer to construct the Fruitvale Transit Village Phase II-B project; and

**WHEREAS**, in accordance with the lease agreement, the Developer completed the relocation of the storm drain when constructing the new building for the Fruitvale Transit Village Phase II-B on the Subject Property; and

**WHEREAS**, in accordance with the lease agreement, the Developer completed construction for Pacific Gas & Electric (PG&E) service on the Subject Property and a PG&E Easement Deed for ten feet (10’) in width was recorded February 26, 2018, Series No. 2018039048, by Alameda County Clerk-Recorder; and

**WHEREAS**, the Developer has filed an application (PPE2100051) with the City, as required by the California Streets and Highway Code, and paid all fees as required by the Master Fee Schedule, requesting that the City Council formally vacate a portion of the Utilities Easement no longer needed for public purposes; and

**WHEREAS**, under California Streets and Highways Code section 8324, the legislative body of a local agency may adopt a resolution granting the vacation of a public service easement after hearing evidence offered by interested persons and if the legislative body finds, from all the

evidence submitted, that the street, highway, or public service easement as described in the notice of hearing is unnecessary for present or prospective public use; and

**WHEREAS**, pursuant to California Streets and Highways Code section 8330, the City Engineer has determined that said portion of the utility’s easement proposed for vacation be vacated by this Resolution; and

**WHEREAS**, in accordance with Government Code section 65402, the Planning Commission considered the proposed vacation and found it to be consistent with the General Plan; and

**WHEREAS**, in accordance with Streets and Highways Code section 8313, the City Council has considered the proposed vacation and finds that it conforms to the General Plan; and

**WHEREAS**, the Director of Transportation had determined that the proposed vacation of said utilities easement to be vacated is no longer necessary for any future public purpose; and

**WHEREAS**, Staff recommends the City Council find and determine that the vacation is categorically exempt from the requirements of the California Environmental Quality Act (“CEQA”) pursuant to Title 14 California Code of Regulations Section 15305 as a minor alteration in land use limitations; now, therefore, be it

**RESOLVED:** That the City Council has reviewed all relevant documents relating to its grant of the utilities easement vacation that is the subject of this Resolution, and finds and determines the foregoing recitals to be true and correct and hereby makes them a part of this Resolution; and be it

**RESOLVED:** That the City Council has reviewed all evidence offered by persons of interest by public hearing; and be it

**FURTHER RESOLVED:** That the City Council finds and determines that the vacation is categorically exempt from the requirements of CEQA pursuant to Title 14 California Code of Regulations Section 15305 as a minor alteration in land use limitations; and be it

**FURTHER RESOLVED:** That the vacation of the utility’s easement, is described and delineated in the attached **Exhibit A** and **Exhibit B**; and be it

**FURTHER RESOLVED:** That this Resolution shall take effect immediately upon the approval of the City Council and recordation of this resolution with the Office of the Alameda County Recorder; and be it

**FURTHER RESOLVED,** That The City Council directs the City Administrator to file a Notice of Exemption; now, therefore, be it

**FURTHER RESOLVED:** That the City Clerk of the City of Oakland is hereby directed to file a certified copy of this resolution for recordation by the Alameda County Clerk-Recorder.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, REID, RAMACHANDRAN, AND  
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: \_\_\_\_\_  
ASHA REED  
City Clerk and Clerk of the Council of the  
City of Oakland, California

*Exhibit A: Legal Description of the Public Right of Way Proposed for Vacation.*

*Exhibit B: Graphic Delineation of the Public Right of Way Proposed for Vacation.*

**EXHIBIT A**

**Legal Description of Public Right of Way Proposed for Vacation**

**EXHIBIT "A"  
LEGAL DESCRIPTION FOR  
PUBLIC UTILITY EASEMENT ABANDONMENT  
PARCEL A, FRUITVALE TRANSIT VILLAGE II-B**

ALL THAT CERTAIN REAL PROPERTY, SITUATE IN THE CITY OF OAKLAND, ALAMEDA COUNTY, STATE OF CALIFORNIA, BEING A PORTION OF PARCEL A, AS DESCRIBED IN THAT CERTAIN GRANT DEED FILED APRIL 28, 2017 AS DOCUMENT NUMBER 2017-095164, OFFICIAL RECORDS OF ALAMEDA COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT THE MOST SOUTHERLY CORNER OF SAID PARCEL A, THENCE ALONG THE SOUTHERLY LINE OF SAID PARCEL NORTH 52°53'09" WEST 38.49 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY OF 36<sup>TH</sup> AVENUE, 50 FEET IN WIDTH, AS SAID STREET IS SHOWN ON THE 'MAP OF THE FRUITVALE TERMINAL TRACT' FILED DECEMBER 7, 1895 IN BOOK 15 OF MAPS, PAGE 41, ALAMEDA COUNTY RECORDS NOW VACATED BY CITY ORDINANCE 12141, RECORDED AUGUST 20, 1999 AS INSTRUMENT NO. 99321345, ALAMEDA COUNTY RECORDS;  
THENCE ALONG SAID EASTERLY RIGHT OF WAY, NORTH 32°06'00" EAST 78.19 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY OF FORMERLY EAST 12<sup>TH</sup> STREET, 80 FEET IN WIDTH, PREVIOUSLY WASHINGTON STREET, AS SHOWN ON SAID MAP AND VACATED BY SAID ORDINANCE;  
THENCE ALONG THE SOUTHERLY RIGHT OF WAY OF 12<sup>TH</sup> STREET, NORTH 57°53'44" WEST 249.98 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY OF 35<sup>TH</sup> AVENUE MAP;  
THENCE ALONG THE EASTERLY RIGHT OF WAY OF SAID AVENUE, NORTH 32°06'16" EAST 80.00 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY OF FORMERLY EAST 12<sup>TH</sup> STREET;  
THENCE ALONG SAID NORTHERLY RIGHT OF WAY, SOUTH 57°53'44" EAST 249.98 TO A POINT ON THE WESTERLY RIGHT OF WAY OF SAID 36<sup>TH</sup> AVENUE;  
THENCE ALONG SAID WESTERLY RIGHT OF WAY NORTH 32°06'00" EAST 127.17 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY OF EAST 12<sup>TH</sup> STREET AS IT NOW EXISTS, 60 FEET IN WIDTH;  
THENCE ALONG THE SOUTHERLY RIGHT OF WAY OF SAID STREET SOUTH 31°05'55" EAST 2.27 FEET;  
THENCE ALONG SAID RIGHT OF WAY SOUTH 31°05'27" EAST 53.75 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY OF SAID 36<sup>TH</sup> AVENUE;  
THENCE ALONG SAID RIGHT OF WAY, SOUTH 32°06'00" WEST 101.91 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY OF SAID FORMERLY EAST 12<sup>TH</sup> STREET;  
THENCE ALONG SAID RIGHT OF WAY SOUTH 57°53'44" EAST 2.51 FEET TO A POINT ON THE EASTERLY LINE OF SAID PARCEL A;  
THENCE ALONG THE EASTERLY LINE OF SAID PARCEL, SOUTH 37°06'51" WEST 162.17 FEET TO THE **POINT OF BEGINNING.**

THE ABOVE DESCRIPTION IS SHOWN ON EXHIBIT "B" AND BY REFERENCE MADE A PART HEREOF.



**EXHIBIT B**

**Graphic Delineation of the Public Right of Way Proposed for Vacation**

