

INTODUCED BY COUNCILMEMBER _____

[Signature]
OFFICE OF THE CITY CLERK
CITY ATTORNEY

2004 SEP 16 AM 9:54

ORDINANCE NO. 12628 **C.M.S.**

AN ORDINANCE ABANDONING A 5-FOOT WIDE RESERVE PUBLIC UTILITY EASEMENT LOCATED ON THE SOUTHWESTERN LINE OF 6012 ASCOT DRIVE.

WHEREAS, a certain 5-foot wide reserve public easement for sewer and utilities situated on the southwestern line of Lot 1149 of the Map entitled "Smith Reserve" was created and dedicated along with filing of said map to the City of Oakland on the 22nd day of August, 1927 in Map Book 17, at pages 104 to 107, in the Office of the Recorder, Alameda County, California for the purposes of constructing and maintaining public sewers and utilities; and

WHEREAS, said reserve easement is delineated and depicted in Exhibit "A" attached hereto and made part hereof and are more particularly described as follows:

A 5-foot easement lying westerly the southwestern line of Lot 1149 as said Lot is shown upon that certain Map entitled, "Smith Reserve", filed August 22, 1927 in Map Book 17, at pages 104 to 107, Alameda County Recorder's Office.

WHEREAS, the easement proposed for abandonment will be utilized to construct a retaining wall necessary to correct and repair a landslide along the said easement, and a Building Permit application for the retaining wall has been approved by the City of Oakland.

WHEREAS, the existing five foot wide reserve public easement is no longer needed for the purpose for which it was acquired, and the abandonment thereof will be in the public interest; and

WHEREAS, no other public facilities are located in the easements proposed for abandonment; and

WHEREAS, said abandonment comply with Chapter 4 (Summary Vacation), Part 3 of Division 9, Section 8333 (a) and (c) of the Streets and Highways Codes; and

WHEREAS, the proposed abandonment is categorically exempt under Section 15301 and 15305 of the California Environmental Quality Act's Guidelines; and

WHEREAS, the requirements of the California Environmental Quality Act (CEQA), of 1970, the guidelines as prescribed by the Secretary of Resources, and the provisions of the Statement of Objectives, Criteria and Procedures for implementation of the California Environmental Quality Act; City of Oakland, as amended, have been satisfied, in that the a Mitigated Negative Declaration for the project proposed atop the existing easement to be abandoned considered the proposed abandonment and was adopted by the Oakland Planning Commission on June 26, 2002 under the California Environmental Quality Act; now, therefore,

COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

- Section 1. This ordinance complies with the requirements of California Environmental Quality Act.
- Section 2. This Council hereby orders the abandonment of the hereinabove described public utility easement and sewer easement.
- Section 3. The City Clerk and Clerk of this Council are hereby directed to have a certified copy of this ordinance recorded in the Office of the Recorder of Alameda County, California, immediately upon its final passage.
- Section 4. From and after the date the ordinance is recorded, the public utility and sewer easement abandoned by this ordinance shall no longer constitute public easement.

IN COUNCIL, OAKLAND, CALIFORNIA, NOV 16 2004, 2004

PASSED BY THE FOLLOWING VOTE:

AYES- ~~BROOKS~~, BRUNNER, CHANG, NADEL, QUAN, REID, WAN AND
PRESIDENT DE LA FUENTE - 7

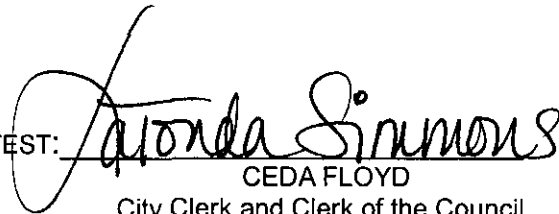
NOES- 0

ABSENT- 0

ABSTENTION- 0

Excused - Brooks - 1

ATTEST:


CEDA FLOYD

City Clerk and Clerk of the Council
of the City of Oakland, California

EXHIBIT "A"
N.T.S.

