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OAKLAND

Approved for Form and Legality

2005 DEC -1 PM 6:45

Farimah Faiz
City Attorney

Councilmember

**OAKLAND CITY COUNCIL
12719**

Ordinance No. _____ C.M.S.

**ORDINANCE CONDITIONALLY VACATING FERRO STREET TO THE PORT OF
OAKLAND FROM ITS INTERSECTION WITH MIDDLE HARBOR ROAD
TO ITS WESTERN TERMINUS**

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 January 17, 2006, at 7:01 p.m. local time to receive supporting evidence and public comments for a proposed ordinance conditionally vacating Ferro Street to the Port of Oakland; and

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

- the proposed vacation conforms with the Port's adopted General Plan, and
- the location and extent of the proposed vacation was properly noticed to the public, and
- the Port owns the underlying fee interest in the public rights-or-way proposed to be vacated, and
- the proposed vacation is categorically exempted from the California Environmental Quality Act, and
- the proposed vacation requires dedication of a public service easement for existing electrical power cables owned and maintained by the Pacific Gas and Electric Company, 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
- the City Council may adopt terms of performance by the Port that condition the vacation; and

Whereas, the Board of Port Commissioners, in its official capacity, has determined that an expansion of the EMS marine terminal cargo operations for berths 60, 61, 62, and 63 along with the incorporation of contiguous landward real property in the Oakland Middle Harbor Area along the Oakland Inner Harbor is essential to maintain and enhance the efficiency and productivity of marine cargo operations; and

Whereas, the Board of Port Commissioners, in its official capacity, has determined that the vacation of Ferro Street is necessary to facilitate the improvements to the contiguous real property and therefore essential for the expansion and continued efficiency of the EMS terminal operations; and

Whereas, the Board of Port Commissioners has terminated business leases and demolished buildings previously abutting or accessed from Ferro Street; and

Whereas, in accordance with section 713 of the Charter of the city of Oakland, the Board of Port Commissioners, in its official capacity, has requested the vacation of Ferro Street from its intersection with Middle Harbor Road to its western terminus; and

Whereas, the Port of Oakland has agreed that it shall assume at its sole expense the maintenance, repair, and replacement of existing public storm water piping buried in Ferro Street; and

Whereas, the Port of Oakland has further agreed at its sole expense that it shall remove and terminate existing public potable water piping and sanitary sewer piping buried in Ferro Street to the satisfaction of the City Engineer of the City of Oakland and the East Bay Municipal Utility District; and

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

The City Council of the City of Oakland does ordain as follows:

1. The conditional vacation of Ferro Street, 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.
3. This order of vacation shall expire by limitation and become void should the Port of Oakland fail to complete the removal of public potable water piping and sanitary sewer piping buried in Ferro Street within one year following adoption of this ordinance.
4. This order of vacation shall also expire by limitation and become void should the Port of Oakland fail to complete the terminations of public infrastructure connections to the removed public potable water piping and sanitary sewer piping, to the satisfaction of the City Engineer of the City of Oakland and to the East Bay Municipal Utility District, within one year following adoption of this ordinance.
5. This order of vacation shall also expire by limitation and become void should the Port of Oakland fail at any time to maintain, repair, or replace the public storm water piping buried in Ferro Street to the satisfaction of the City Engineer, or his or her successor in title.

Introduction Date **DEC 20 2005** **JAN 03 2006**
IN COUNCIL, OAKLAND, CALIFORNIA, _____, 2006

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, PRESIDENT DE LA FUENTE - 8

NOES - 0
ABSENT - 0
ABSTENTION - 0

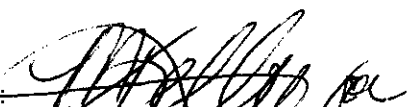
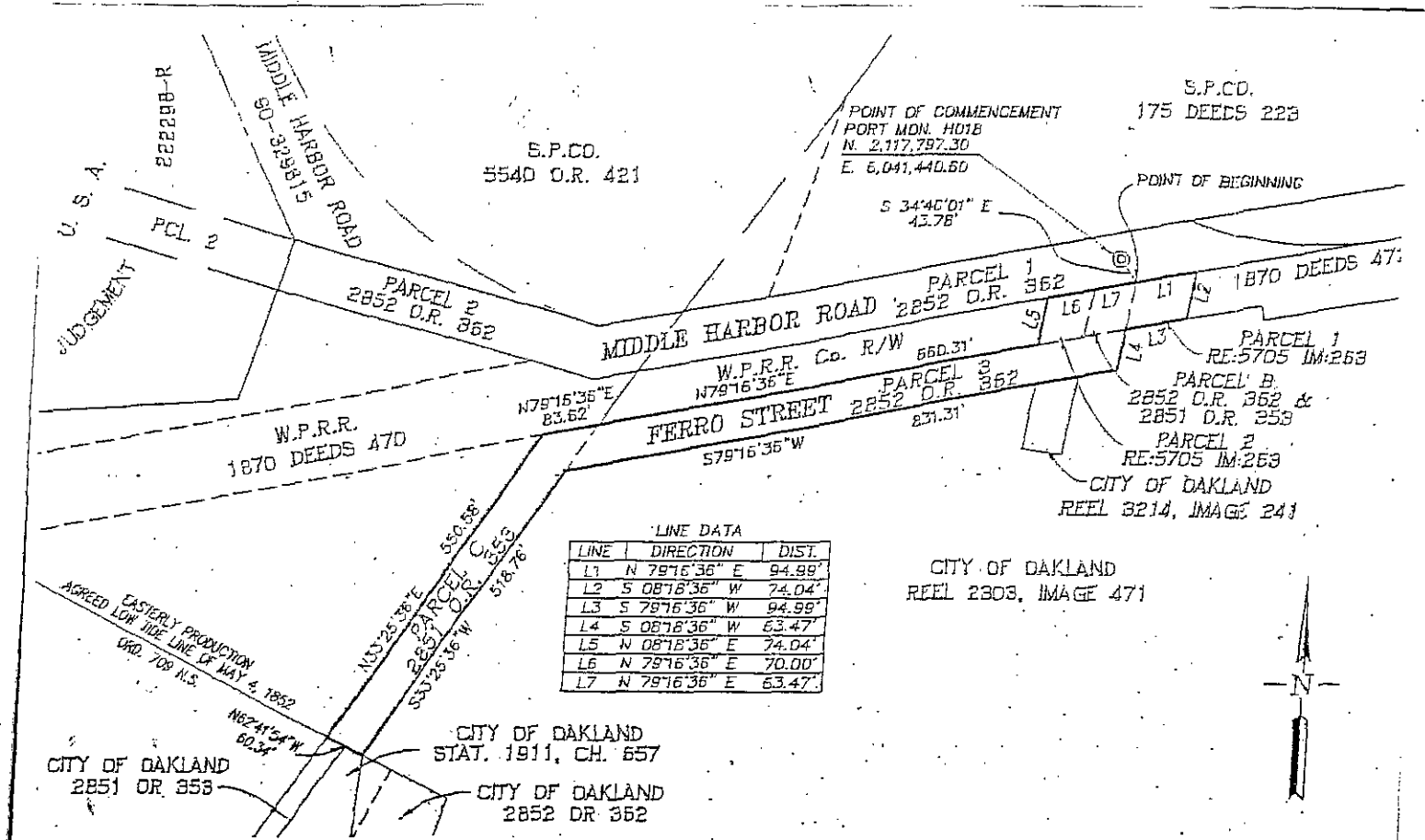
ATTEST: 
LATONDA SIMMONS
City Clerk and Clerk of the
Council of the City of Oakland, California

Exhibit A

Location And Limits Of The Proposed Vacation Of Ferro Street



NOTE:
 BEARINGS AND DISTANCES ARE BASED UPON THE CALIFORNIA COORDINATE SYSTEM OF 1983, ZONE III. ALL DISTANCES ARE GRID. MULTIPLY HEREON SHOWN DISTANCES BY 1.0000708 TO OBTAIN GROUND DISTANCES.

PORT OF OAKLAND
 LAND SURVEYS AND MAPPING
 530 Water Street
 Oakland, California

PLAT TO ACCOMPANY LEGAL DESCRIPTION
STREET VACATION
FERRO STREET

DRAWN BY: JRM	Field Etc
CHECKED BY:	Wrk. Ord: 019713
SCALE: 1" = 200'	Date File:
DATE: 10/25/86	Revision: 3
SHEET 1 OF 1	Rev. date: 8/3/89
DRAWING FILE: FERROVAC.DWG	
FILE LOC.: \\TRANSBAY\019713.JRM\	