

Introduced by

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OFFICE OF THE CITY CLERK
OAKLAND

Approved for Form and Legality

Councilmember

2009 APR 16 PM 12:59



City Attorney

OAKLAND CITY COUNCIL

Resolution No. 81971 C.M.S.

RESOLUTION ADOPTING FINDINGS AND SETTING A HEARING TO RECEIVE SUPPORTING EVIDENCE AND PUBLIC TESTIMONY FOR A PROPOSED VACATION OF THE PUBLIC RIGHT-OF-WAY OF SKYLINE CIRCLE TO THE ABUTTING PROPERTY OWNERS WITHOUT COST AND RESERVING PUBLIC SERVICE EASEMENTS

WHEREAS, pursuant to California Streets and Highways Code Section 8320 et seq., a public meeting was held in the Chamber of the Council of the City of Oakland, on the Third Floor of City Hall, at One Frank H. Ogawa Plaza, in Oakland, California, on May 5, 2009, beginning at 7:01 p.m. local time to adopt findings for a proposed ordinance vacating the public right-of-way to the owners of the forty-five (45) developed lots abutting Skyline Circle; and

WHEREAS, said meeting also set a hearing beginning at 7:02 p.m. local time in the Chamber of the Council of the City of Oakland, on the Third Floor of City Hall, at One Frank H. Ogawa Plaza, in Oakland, California, on May 5, 2009, to receive supporting evidence and public testimony on said proposed ordinance vacating the full width and length of Skyline Circle and reserving public service easements; and

WHEREAS, the City Clerk and Clerk of the Council of the City of Oakland accepted the dedication of Skyline Circle as public right-of-way without conditions in 1996, as shown on the Final Map for Tract No. 6249, recorded January 16, 1996, in book 222 of maps, on pages 85 through 88, inclusive, series no. 96-009902, by the Alameda County Recorder, and in Resolution No. 72405 C.M.S. approving said Final Map, as adopted by the Council of the City of Oakland on January 9, 1996; and

WHEREAS, pursuant to California Streets and Highways Code Sections 8312 and 8355, the Skyline Homeowners Association, on behalf of the owners of said forty-five (45) lots, has previously filed an application (PPE 09052) with the City Engineer of the City of Oakland requesting that Skyline Circle be vacated without valuable compensation to the City; and

WHEREAS, pursuant to California Civil Code section 831, each of the owners of said forty-five (45) lots are presumed to own their individual underlying fee simple interests in the public right-of-way proposed to be vacated to the center of the right-of-way; and

WHEREAS, pursuant to Resolution No. 73654 C.M.S., the Council of the City of Oakland approved the "Agreement Regarding The Bayview (Oak Knoll Vista) Subdivision Tract

6249” with the original developer of the subdivision, Kaufman and Broad Homes, on July 9, 1997, which established that the owners of said forty-five (45) lots, rather than the City of Oakland, have been responsible for maintaining Skyline Circle at their sole expense since the completion of its construction in 1997; and

WHEREAS, the metes and bounds establishing the length and width of Skyline Circle proposed for vacation is delineated on the Final Map for Tract No. 6249 and on the Amended Final Map for Tract No. 6249, recorded March 29, 2001, series no. 2001-107696, in book 257 of maps, on pages 39 and 40, inclusive, by the Alameda County Clerk-Recorder, which was adopted by the Council of the City of Oakland on December 5, 2000, in Resolution No. 77165 C.M.S, as shown on *Exhibits A1* and *A2* attached hereto; and

WHEREAS, the owners of said forty-five (45) lots acquired title individually to said properties for valuable consideration through the following grant deeds:

LOT No.	PARCEL No.	ADDRESS	SERIES No.	RECORDED
1	043A-4761-001-00	8201	2007-034561	01-22-2007
2	043A-4761-002-00	8205	2007-283607	07-31-2007
3	043A-4761-003-00	8209	2002-325487	07-31-2002
4	043A-4761-004-00	8211	2006-369942	09-29-2006
5	043A-4761-005-00	8215	2007-001351	01-02-2007
6	043A-4761-006-00	8219	2003-040360	01-23-2003
7	043A-4761-007-00	8221	2006-208506	05-26-2006
8	043A-4761-008-00	8223	2003-554564	09-18-2003
9	043A-4761-009-00	8227	2005-537832	12-19-2005
10	043A-4761-010-00	8231	2007-240126	06-28-2007
11	043A-4761-011-00	8233	2004-133593	03-30-2004
12	043A-4761-012-00	8237	2006-440511	11-30-2006
13	043A-4761-013-00	8239	2003-477862	08-14-2003
14	043A-4761-014-00	8241	2005-287502	07-11-2005
15	043A-4761-015-00	8245	2008-090324	03-12-2008
16	043A-4761-016-00	8247	2007-125382	03-30-2007
17	043A-4761-017-00	8249	2009-056769	02-24-2009
18	043A-4761-018-00	8253	2004-450870	10-05-2004
19	043A-4761-019-00	8255	2008-300168	10-15-2008
20	043A-4761-020-00	8257	2007-144839	04-17-2007
21	043A-4761-021-00	8259	1999-320152	08-20-1999

LOT No.	PARCEL No.	ADDRESS	SERIES No.	RECORDED
22	043A-4761-022-00	8261	2002-124625	03-20-2002
23	043A-4761-023-00	8263	1999-082033	02-26-1999
24	043A-4761-024-00	8265	2007-358202	10-12-2007
25	043A-4761-025-00	8267	2007-227821	07-25-2007
26	043A-4761-026-00	8271	98-021453	01-22-1998
27	043A-4761-027-00	8273	2007-194878	05-22-2007
28	043A-4761-028-00	8275	2002-533525	11-15-2002
29	043A-4761-029-00	8277	2006-052993	02-10-2006
30	043A-4761-030-00	8281	99-262263	07-16-1999
31	043A-4761-031-00	8285	2009-002160	01-06-2009
32	043A-4761-032-00	8289	2002-489382	10-29-2002
33	043A-4761-033-00	8293	2004-433477	09-24-2004
34	043A-4761-034-00	8295	2008-185641	06-11-2008
35	043A-4761-035-00	8288	2007-294891	08-09-2007
36	043A-4761-036-00	8282	99-342432	09-07-1999
37	043A-4761-037-00	8278	2004-398567	09-02-2004
38	043A-4761-038-00	8268	2004-347147	07-29-2004
39	043A-4761-039-00	8260	2004-205163	05-10-2004
40	043A-4761-040-00	8252	2004-104691	03-11-2004
41	043A-4761-041-00	8248	99-227976	06-18-1999
42	043A-4761-042-00	8246	2002-350248	08-13-2002
43	043A-4761-043-00	8240	2004-565381	12-23-2004
44	043A-4761-044-00	8230	2005-263906	06-28-2005
45	043A-4761-045-00	8290	97-143364	06-11-1997

as recorded by the Alameda County Clerk-Recorder; and

WHEREAS, as evident by a cursory examination of said Final Map and Amended Final Map, the reentrant horizontal alignment of Skyline Circle was intended to provide vehicular and pedestrian access solely to the forty-five (45) abutting lots within the original subdivision and cannot be modified, extended, or expanded to accommodate through-traffic for the public; and

WHEREAS, the proposed vacation of Skyline Circle will not adversely impact existing public and private easements delineated on said Final Map for storm water drainage, sanitary sewer, emergency vehicle access, and open-space conservation areas; and

WHEREAS, said land area comprising the whole of the section of Skyline Circle proposed for vacation will be added by the Alameda County Assessor to the general levy of property taxes, a portion of which will accrue to the City of Oakland; and

WHEREAS, pursuant to California Streets and Highways Code Sections 8317, 8322, and 8323, facsimiles of the newspaper publication and public posting, attached hereto as *Exhibit B*, and an affidavit, attached as *Exhibit C*, confirming that the City Engineer completed the statutory requirements for notifying the public of the City's intention to vacate Skyline Circle and of the locate, date, and time of the hearing to receive supporting evidence and public testimony for the proposed vacation; and

WHEREAS, pursuant to California Streets and Highways Code Section 8313 and Government Code Section 65402, the Secretary of the Planning Commission of the City of Oakland has determined that there is no map or diagram nor any expressed policies or provisions preventing the vacation of these portions of public rights-of-way and that the location, purpose, and extent of the vacation therefore conforms with the City's adopted General Plan; and

WHEREAS, pursuant to California Streets and Highways Code Section 8348, the City Engineer has notified the serving public utilities his intention to recommend to the City Council that Skyline Circle be vacated and that the dedication of a public service easement in the vacated public right-of-way to maintain, operate, replace, remove or renew the existing works is required for public convenience and necessity; and

WHEREAS, pursuant to California Streets and Highways Code Section 892, the City Engineer has further determined that the proposed vacation of Skyline Circle will not limit public use of or impede public access for non-motorized transportation; and

WHEREAS, pursuant to California Streets and Highways Code Section 8320, maps delineating the metes and bounds may be used to establish the extent and location of the public right-of-way to be vacated, as shown in *Exhibits A1* and *A2* attached hereto; and

WHEREAS, pursuant to Resolution No. 78999 C.M.S., the Council of the City of Oakland established Underground Utility District No. 236S for Skyline Circle on January 4, 2005; and

WHEREAS, said utilities were previously undergrounded by the developer as part of the original construction of Skyline Circle; and

WHEREAS, pursuant to California Streets and Highways Code Section 8324, the Council of the City of Oakland may apply conditions for the vacation of public right-of-way and may instruct the City Clerk not to record a vacation until the conditions have been satisfied; and

WHEREAS, the Council of the City of Oakland approved an Environmental Impact Report on December 17, 1991, for the division of real property comprising Tract No, 6249 into forty-five

(45) lots and the construction of publicly and privately maintained infrastructure, including Skyline Circle; now, therefore, be it

RESOLVED: That pursuant to the California Streets and Highways Code, the California Government Code, and the California Public Resources Code, the Council of the City of Oakland hereby makes the following determinations:

- that the proposed vacation conforms with the City of Oakland's adopted General Plan; and
- that the statutory requirements for properly noticing the public through conspicuous site posting and newspaper publication of the location and extent of the proposed vacation and the public hearing to receive supporting evidence and public comments were completed; and
- that owners of the forty-five (45) lots abutting Skyline Circle own the underlying fee interest in the public right-of-way proposed to be vacated; and
- the proposed vacation is categorically exempted from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 (existing facilities); and
- the proposed vacation requires a reservation of a public service easements for existing or future utilities owned and maintained either by companies regulated by the California Public Utilities Commission or by the City of Oakland or by the East Bay Municipal Utility; and
- the proposed vacation requires a reservation of a public service easements for access by emergency vehicles; 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 proposed vacation will benefit the public and the citizens of Oakland fiscally by decreasing the cost of police services for nuisance and criminal activities and increasing the revenue derived from the general levy of property taxes; and be it

FURTHER RESOLVED: That the maps attached hereto as *Exhibits A1* and *A2* do fully delineate the metes and bounds of the section of public right-of-way proposed for vacation; and be it

FURTHER RESOLVED: That Council of the City of Oakland will vacate Skyline Circle to the abutting property owners without valuable compensation to the City Of Oakland by terms set forth in an ordinance of vacation; and be it

FURTHER RESOLVED: That a hearing to receive supporting evidence and public testimony for a proposed ordinance that will vacate Skyline Circle will occur in the Chamber of the City Council, Third Floor of City Hall, at One Frank Ogawa Plaza, in Oakland, California, on May 5, 2009, at 7:02 p.m. local time.

IN COUNCIL, OAKLAND, CALIFORNIA, MAY 5 2009, 2009

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, ~~ROSS~~, and
~~PRESIDENT BRUNNER~~ - 6

NOES - Brunner - 1

ABSENT - 0

ABSTENTION - 0

Excused - Reid - 1

ATTEST: _____



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

EXHIBIT A1

Proposed Vacation Of The Public Right-Of-Way Of Skyline Circle Without Cost To The Abutting Property Owners And Reservation Of Public Service Easements

Tract 6249 Map BK 222 PP 95-88

CERTIFICATE OF THE CLERK OF THE BOARD OF SUPERVISORS
 I, DANIEL J. BLOOM, CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, HEREBY CERTIFY THAT BELOW THAT:
 AN APPROVED BOND HAS BEEN FILED WITH THE BOARD OF SUPERVISORS OF SAID COUNTY AND STATE IN THE AMOUNT OF \$5,000.00 IN FULL PAYMENT OF THE TAXES AND ASSESSMENTS COLLECTED AS TAXES WHICH ARE NOW A LIECH ACCOUNT APPROVED BY SAID LOCAL BOARD IN SAID MAP.
 ALL TAXES AND SPECIAL ASSESSMENTS COLLECTED AS TAXES HAVE BEEN PAID, AS CERTIFIED BY THE TREASURER-TAX COLLECTOR OF THE COUNTY OF ALAMEDA.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL OF SAID COUNTY OF ALAMEDA, CALIFORNIA, ON THIS 12th DAY OF JANUARY, 1991.
 DANIEL J. BLOOM, ACTING CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA, CALIFORNIA
Daniel J. Bloom
 DEPUTY CLERK

OWNERS STATEMENT
 THE UNDERSIGNED, ALAN B. MILLER (HEREAFTER REFERRED TO AS "OWNER"), DOES HEREBY STATE THAT HE IS THE OWNER OF ALL THE LANDS DELINEATED AND EMBODIED IN FINAL MAP ENTITLED "TRACT 6249, CITY OF OAKLAND, CALIFORNIA" CONSISTING OF FOUR SHEETS, THIS SAID LAND BEING PART OF THE GRANT RECORDED ON OCTOBER 2, 1922, RECORDED REVENUE 20,195 UNDER RECORDERS SERIES NUMBER 9782594 OF SAID COUNTY OF OAKLAND, CALIFORNIA, THAT HE HAS CAUSED SAID MAP TO BE DRAWN AND LOCATED THEREON THE BOUNDARIES, COURSES, AND DISTANCES OF SAID MAP, PARTICULARLY SETS FORTH AND DESCRIBES ALL THE EASEMENTS RESERVED FOR PUBLIC PURPOSES BY THEIR BOUNDARIES, COURSES, AND DISTANCES.
 THE OWNER OFFERS FOR DEDICATION TO THE CITY OF OAKLAND THE AREA SHOWN AND DESIGNATED HEREON AS "20' WIDE EMERGENCY VEHICLE ACCESS EASEMENT FOR ACCESS FOR EMERGENCY VEHICLES."
 I DO HEREBY OFFER FOR DEDICATION TO THE CITY OF OAKLAND THE PUBLIC STORM DRAIN AND SANITARY SEWER FACILITIES AND APPURTENANCES SHOWN, IN AND OVER THESE AREAS.
 I DO HEREBY RESERVE THE AREAS SHOWN AND DESIGNATED HEREON AS "CONSERVATION OF THE AREA AND ITS VEGETATION IN ITS PRESENT NATURAL CONDITION."
 I DO HEREBY RESERVE A PRIVATE STORM DRAIN EASEMENT DESIGNATED AND SHOWN ON THIS MAP, INCLUDING THE RIGHT TO CONSTRUCT, MAINTAIN, AND REPAIR A PRIVATE STORM DRAIN LINE.

BY: *Alan B. Miller*
 ALAN B. MILLER
 ADDRESS: #4 BIRDALE LAKE WOODSIDE, CA

OWNERS ACKNOWLEDGMENT
 STATE OF CALIFORNIA
 COUNTY OF OAKLAND
 on December 31, 1991, before me, *David H. Wadsworth*, appeared *Alan B. Miller*, PERSONALLY KNOWN TO ME (OR PERSON(S) WHOSE VALIDITY OF SIGNATURE TO BE THE SAME AS HUSBAND/ WIFE) AND ACKNOWLEDGED TO ME THAT HE/SHE/HIS/HER EXECUTED THE SAME IN HIS/HER OWN FREE WILL AND WITHOUT ANY UNLAWFUL INFLUENCE OF ANY PERSON(S).
 WITNESS MY HAND AND OFFICIAL SEAL:
 David H. Wadsworth
 SAID COUNTY AND PLACE
 MY COMMISSION EXPIRES: *December 9, 1991*
 JOB NO. 950044-20 28 288/1

STATEMENT OF THE SECRETARY OF THE PLANNING COMMISSION
 HEREBY STATE THAT I AS SECRETARY OF THE CITY PLANNING COMMISSION OF THE CITY OF OAKLAND, STATE OF CALIFORNIA, HAVE REVIEWED THE TENTATIVE MAP OF THE HEREIN EMBODIED "TRACT 6249, CITY OF OAKLAND, CALIFORNIA" PRESENTED TO THE CITY PLANNING COMMISSION AS PROVIDED BY SAID LOCAL BOARD AND THAT SAID COMMISSION APPROVED SAID TENTATIVE MAP UPON WHICH THIS MAP IS BASED, AT A REGULARLY SCHEDULED MEETING ON THE 17th DAY OF DECEMBER, 1991.

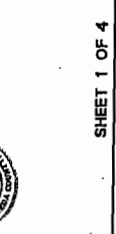
IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS 13th DAY OF JANUARY, 1991.
 Charles S. Reed
 CHARLES S. REED
 SECRETARY OF CITY PLANNING COMMISSION OF THE CITY OF OAKLAND, STATE OF CALIFORNIA

RECORDERS STATEMENT
 FILED THIS 16th DAY OF JANUARY, 1991, AT 12:30 P.M. IN BOOK 222 OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA. Fee \$2.14

SURVYORS STATEMENT
 I, BILLY MARTIN, DIRECT SURVEYOR, CERTIFY THAT THIS FINAL MAP WAS PREPARED BY ME UNDER MY DIRECT SUPERVISION. I HAVE CONDUCTED A COMPLETE SURVEY OF THE CHARACTER AS SHOWN HEREON AND OCCUPY THE POSITIONS MARKED THEREON. NO SAID MONUMENTS WILL BE SUFFICIENT TO EMBLEM THE SURVEY TO BE RETRACTED.

DATED: Dec 12, 1991
 BILLY MARTIN
 U.S. NO. 8797
 EXPIRES 6-30-1996

SUBDIVIDER
 KAUFMAN AND BRGARD
 OF NORTHERN CALIFORNIA
 3130 CROWD CANYON PLACE, SUITE 300
 SAN RAMON, CA



RECORDERS STATEMENT
 FILED THIS 16th DAY OF JANUARY, 1991, AT 12:30 P.M. IN BOOK 222 OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA. Fee \$2.14

BY: *Richard W. Connell*
 RICHARD W. CONNELL
 DEPUTY COUNTY RECORDER
 RICHARD W. CONNELL, COUNTY RECORDER IN AND FOR THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA

EXHIBIT A1

Proposed Vacation Of The Public Right-Of-Way Of Skyline Circle Without Cost To The Abutting Property Owners And Reservation Of Public Service Easements

Tract 6249

Map Bk 222

PG 87

TRACT 6249

CITY OF OAKLAND
ALAMEDA COUNTY, CALIFORNIA

BEING A RESUBDIVISION OF A PORTION OF THE LANDS OF RAFAEL MARTINEZ,
AS SHOWN IN TRACT 2439, MAP 17, 1871 IN BOOK
58 OF ORDERS AT PAGE 48 OF ALAMEDA COUNTY RECORDS.
Brian Kampas Fouik
CONSULTING ENGINEER, SURVEYOR & SURVEYORS
REDMOND CITY, CALIFORNIA
JULY 1995
SCALE: 1" = 100'

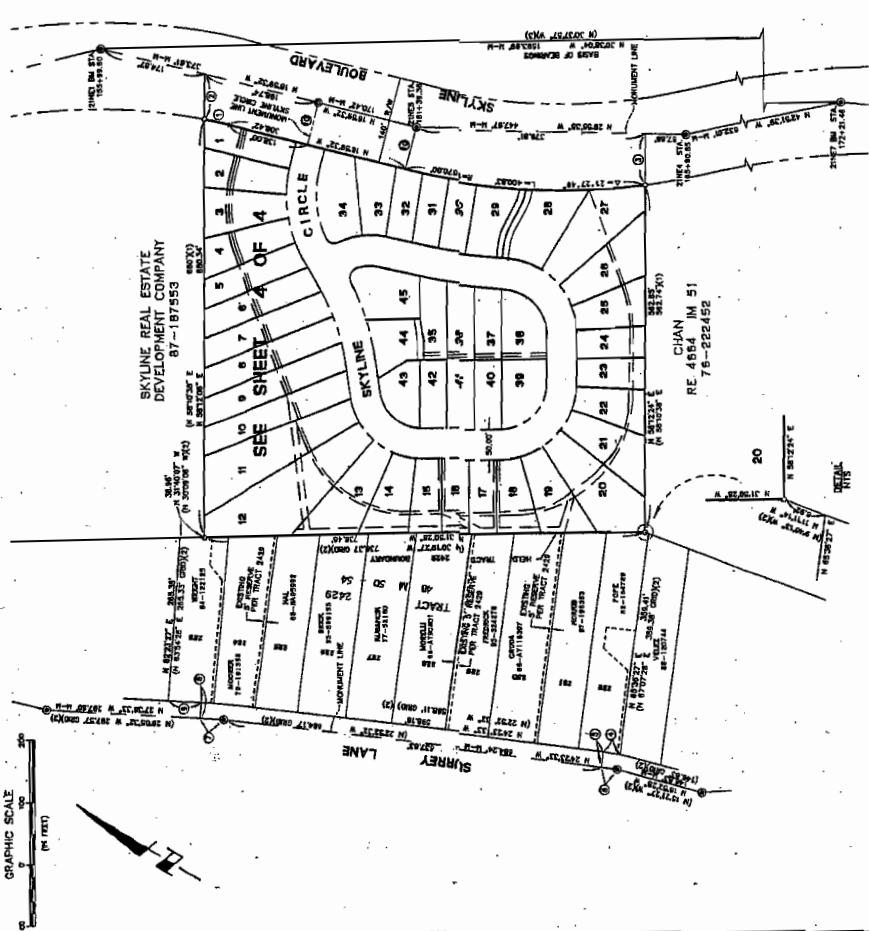
BASIS OF BEARINGS
THE CALCULATED BEARING BETWEEN TWO FOUND MONUMENTS
OR MONUMENTS AND A POINT ON THE BOUNDARY OF THE FIELD
BOULEVARD AS SHOWN IN THE CITY OF OAKLAND FIELD
NOTES (TRANSIT BOOK 114, PAGES 11-92), WAS TAKEN AS
NORTH 30 30' 04" WEST.

NOTES
DISTANCES SHOWN ON THIS MAP ARE GROUND DISTANCES.

RECORD INFORMATION
(1) DOCUMENT NO. 92 - 330458, ALAMEDA COUNTY RECORDS.
(2) TRACT 2439, VOLUME 48 OF MAPS, PAGES 80-84, TO
GIVEN GROUND DISTANCES, MAP 17, 1871 IN BOOK
(3) PAGES 11-92, OAKLAND FIELD NOTES, TRANSIT BOOK 114.

LEGEND
TRACT 6249 BOUNDARY
MONUMENT LINE
EASEMENT OR RESERVE
FOUND CITY STREET MONUMENT
SET CITY STREET MONUMENT
SET 1" IRON PIPE, TAGGED PLS 5797
M-M MONUMENT TO MONUMENT
R/W RIGHT OF WAY
RE: IN REEL 1, IMAGE
(T) TOTAL

NO.	DELTA BEARING	LENGTH/DISTANCE	RADIUS	RECORD PERIOD	
				DELTA BEARING	LENGTH/DISTANCE
1	S 89° 00' 00" E	68.00'	68.00'		
2	N 89° 00' 00" E	73.00'	73.00'		
3	N 89° 00' 00" E	8.00'	8.00'		
4	S 89° 00' 00" E	73.00'	73.00'		
5	N 89° 00' 00" E	73.00'	73.00'		
6	N 89° 00' 00" E	73.00'	73.00'		
7	N 89° 00' 00" E	73.00'	73.00'		
8	N 89° 00' 00" E	73.00'	73.00'		
9	N 89° 00' 00" E	73.00'	73.00'		
10	N 89° 00' 00" E	73.00'	73.00'		
(T)		TOTAL			



SHEET 3 OF 4

6x222 A 87

JOB NO. 25009-20

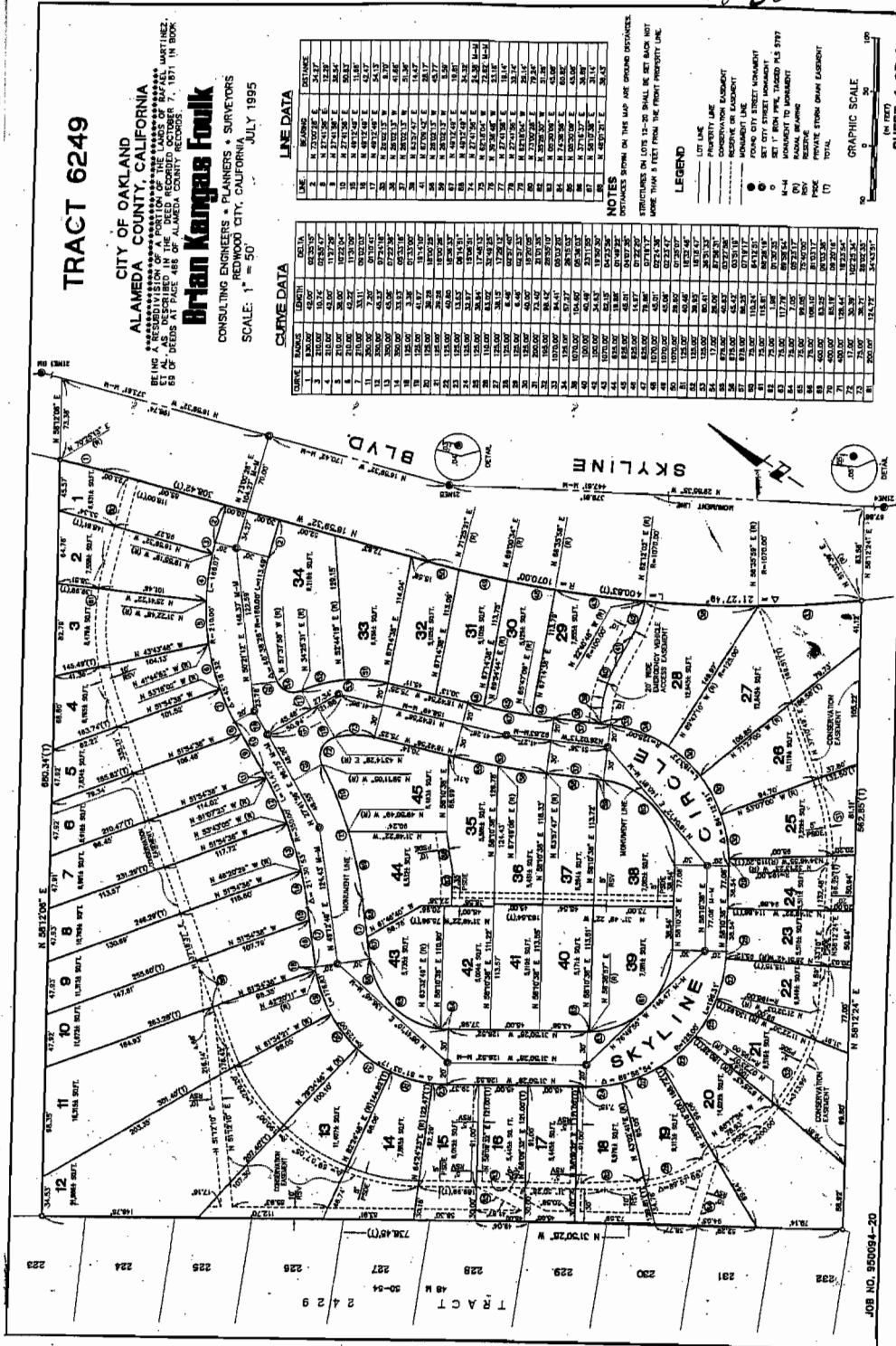
EXHIBIT A1

Proposed Vacation Of The Public Right-Of-Way Of Skyline Circle Without Cost To The Abutting Property Owners And Reservation Of Public Service Easements

Tract 6249

Map Bk 222

Pf 88



TRACT 6249

**CITY OF OAKLAND
ALAMEDA COUNTY, CALIFORNIA**
BEING A RECONSIDERATION OF A PORTION OF THE SEVERAL PARCELS OF THE ESTATE OF MARTINEZ
AS DECEASED, DEED RECORDED OCTOBER 7, 1971 IN BOOK
683 OF DEEDS AT SALES AND OF ALAMEDA COUNTY RECORDS.

Brian Kangas Fouk
CONSULTING ENGINEERS • PLANNERS • SURVEYORS
REDWOOD CITY, CALIFORNIA
JULY 1995
SCALE: 1" = 30'

LINE DATA

LINE	BEARING	DISTANCE
1	N. 72°02'00" E.	24.87
2	N. 72°02'00" E.	24.87
3	N. 72°02'00" E.	24.87
4	N. 72°02'00" E.	24.87
5	N. 72°02'00" E.	24.87
6	N. 72°02'00" E.	24.87
7	N. 72°02'00" E.	24.87
8	N. 72°02'00" E.	24.87
9	N. 72°02'00" E.	24.87
10	N. 72°02'00" E.	24.87
11	N. 72°02'00" E.	24.87
12	N. 72°02'00" E.	24.87
13	N. 72°02'00" E.	24.87
14	N. 72°02'00" E.	24.87
15	N. 72°02'00" E.	24.87
16	N. 72°02'00" E.	24.87
17	N. 72°02'00" E.	24.87
18	N. 72°02'00" E.	24.87
19	N. 72°02'00" E.	24.87
20	N. 72°02'00" E.	24.87
21	N. 72°02'00" E.	24.87
22	N. 72°02'00" E.	24.87
23	N. 72°02'00" E.	24.87
24	N. 72°02'00" E.	24.87
25	N. 72°02'00" E.	24.87
26	N. 72°02'00" E.	24.87
27	N. 72°02'00" E.	24.87
28	N. 72°02'00" E.	24.87
29	N. 72°02'00" E.	24.87
30	N. 72°02'00" E.	24.87
31	N. 72°02'00" E.	24.87
32	N. 72°02'00" E.	24.87
33	N. 72°02'00" E.	24.87
34	N. 72°02'00" E.	24.87
35	N. 72°02'00" E.	24.87
36	N. 72°02'00" E.	24.87
37	N. 72°02'00" E.	24.87
38	N. 72°02'00" E.	24.87
39	N. 72°02'00" E.	24.87
40	N. 72°02'00" E.	24.87
41	N. 72°02'00" E.	24.87
42	N. 72°02'00" E.	24.87
43	N. 72°02'00" E.	24.87
44	N. 72°02'00" E.	24.87
45	N. 72°02'00" E.	24.87
46	N. 72°02'00" E.	24.87
47	N. 72°02'00" E.	24.87
48	N. 72°02'00" E.	24.87

CURVE DATA

CURVE	BEARING	CHORD	DELTA	AREA
1	N. 72°02'00" E.	100.00	180.00	15708.00
2	N. 72°02'00" E.	100.00	180.00	15708.00
3	N. 72°02'00" E.	100.00	180.00	15708.00
4	N. 72°02'00" E.	100.00	180.00	15708.00
5	N. 72°02'00" E.	100.00	180.00	15708.00
6	N. 72°02'00" E.	100.00	180.00	15708.00
7	N. 72°02'00" E.	100.00	180.00	15708.00
8	N. 72°02'00" E.	100.00	180.00	15708.00
9	N. 72°02'00" E.	100.00	180.00	15708.00
10	N. 72°02'00" E.	100.00	180.00	15708.00
11	N. 72°02'00" E.	100.00	180.00	15708.00
12	N. 72°02'00" E.	100.00	180.00	15708.00
13	N. 72°02'00" E.	100.00	180.00	15708.00
14	N. 72°02'00" E.	100.00	180.00	15708.00
15	N. 72°02'00" E.	100.00	180.00	15708.00
16	N. 72°02'00" E.	100.00	180.00	15708.00
17	N. 72°02'00" E.	100.00	180.00	15708.00
18	N. 72°02'00" E.	100.00	180.00	15708.00
19	N. 72°02'00" E.	100.00	180.00	15708.00
20	N. 72°02'00" E.	100.00	180.00	15708.00
21	N. 72°02'00" E.	100.00	180.00	15708.00
22	N. 72°02'00" E.	100.00	180.00	15708.00
23	N. 72°02'00" E.	100.00	180.00	15708.00
24	N. 72°02'00" E.	100.00	180.00	15708.00
25	N. 72°02'00" E.	100.00	180.00	15708.00
26	N. 72°02'00" E.	100.00	180.00	15708.00
27	N. 72°02'00" E.	100.00	180.00	15708.00
28	N. 72°02'00" E.	100.00	180.00	15708.00
29	N. 72°02'00" E.	100.00	180.00	15708.00
30	N. 72°02'00" E.	100.00	180.00	15708.00
31	N. 72°02'00" E.	100.00	180.00	15708.00
32	N. 72°02'00" E.	100.00	180.00	15708.00
33	N. 72°02'00" E.	100.00	180.00	15708.00
34	N. 72°02'00" E.	100.00	180.00	15708.00
35	N. 72°02'00" E.	100.00	180.00	15708.00
36	N. 72°02'00" E.	100.00	180.00	15708.00
37	N. 72°02'00" E.	100.00	180.00	15708.00
38	N. 72°02'00" E.	100.00	180.00	15708.00
39	N. 72°02'00" E.	100.00	180.00	15708.00
40	N. 72°02'00" E.	100.00	180.00	15708.00
41	N. 72°02'00" E.	100.00	180.00	15708.00
42	N. 72°02'00" E.	100.00	180.00	15708.00
43	N. 72°02'00" E.	100.00	180.00	15708.00
44	N. 72°02'00" E.	100.00	180.00	15708.00
45	N. 72°02'00" E.	100.00	180.00	15708.00
46	N. 72°02'00" E.	100.00	180.00	15708.00
47	N. 72°02'00" E.	100.00	180.00	15708.00
48	N. 72°02'00" E.	100.00	180.00	15708.00

NOTES
DISTANCES SHOWN ON THIS MAP ARE GROUND DISTANCES.
DISTANCES ON LOTS 12-28 SHALL BE SET BACK NOT
MORE THAN 5 FEET FROM THE FRONT PROPERTY LINE.

- LEGEND**
- LOT LINE
 - PROPERTY LINE
 - CONSERVATION EASEMENT
 - RESERVE OR EASEMENT
 - FOUND CITY STREET MONUMENT
 - SET CITY STREET MONUMENT
 - SET 1" BORN PINE THRUED PLS 577
 - MONUMENT
 - RAILROAD EASEMENT
 - RESERVE
 - STATION SHAW EASEMENT
 - TOTAL

GRAPHIC SCALE
0 30 60 90
IN FEET
SHEET 4 OF 4

AK 228 P. 77

JOB NO. 950094-20

EXHIBIT A2

Proposed Vacation Of The Public Right-Of-Way Of Skyline Circle Without Cost To The Abutting Property Owners And Reservation Of Public Service Easements

Amended Book 6549 Map Bk. 257 Pl. 39-40

AMENDING TRACT 6249

BECOMING AN AMENDMENT TO TRACT 6249 RECORDED IN BOOK 222 OF MAPS AT PAGES 88 THROUGH 88, INCLUSIVE, ALAMEDA COUNTY RECORDS, THE CONVEYANCE OF A 5' WIDE PUBLIC RESERVE AND ADDING A 5' WIDE PUBLIC UTILITY EASEMENT WITHIN LOTS 1 THROUGH 20

CITY OF OAKLAND ALAMEDA COUNTY CALIFORNIA

DATED, DECEMBER, 2000

Brian Kangas Faulk

CONSULTING ENGINEER 1700 CHERRY AVE., SUITE 104 PLEASANTON, CA 94588

CITY ENGINEER'S STATEMENT I, CALVIN N. WONG, DIRECTOR OF BUILDING SERVICES, HAVING BEEN AUTHORIZED TO PERFORM THE FUNCTIONS OF THE CITY ENGINEER FOR THE PURPOSES OF REVOKING SUBDIVISION MAP NO. 2000-0011, I CERTIFY THAT I HAVE EXAMINED THE HEREON EMBODIED MAP WHICH SAID MAP IS SUBTRACTED FROM THE HEREON EMBODIED MAP ON THE TENTATIVE MAP AND ANY ALTERNATE, I HEREBY THAT I AM Satisfied THAT THE MAP IS TECHNICALLY CORRECT.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL THIS DAY OF DECEMBER, 2000.

Calvin N. Wong, Director of Building Services, City of Oakland Alameda County, CA.

CITY CLERK'S STATEMENT I, CELIA FLOYD, CITY CLERK AND CLERK OF THE COUNCIL OF THE CITY OF OAKLAND, STATE OF CALIFORNIA, HEREBY STATE THAT SAID COMMISSION RESOLUTION APPROVED AT A REGULAR MEETING ON THE 23RD DAY OF DECEMBER, 2000, DID FULLY APPROVE THE WITHIN MAP.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS 27th day of February, 2001.

Celia Floyd, City Clerk of the City of Oakland, California.

SHEET 1 OF 2 2000101-50 BK 257 PL 39

BENEFICIARY'S ACKNOWLEDGMENT

STATE OF CALIFORNIA } S.S. COUNTY OF Alameda } I, [Name], personally appeared before me, a Notary Public in and for the County of Alameda, California, on this 19th day of February, 2001, and acknowledged to me that he executed the foregoing instrument for the purposes and in the capacity therein expressed.

NOTARY'S SIGNATURE: [Signature] PRINTED NAME: [Name] PLACE OF BUSINESS: [Address] EXPIRATION DATE: [Date]

AMENDMENT NOTES

THIS MAP AMENDS SHEETS 1 AND 4 OF THE ORIGINAL TRACT MAP 6249 RECORDED IN BOOK 222 OF MAPS AT PAGES 88 THROUGH 88, ALAMEDA COUNTY RECORDS. THE PURPOSE OF THE AMENDMENT IS TO AMEND THE LOCATION OF THE PUBLIC UTILITY EASEMENT AND THE 5' RESERVE (REVISED TO 10'). PUBLIC UTILITY EASEMENT (P.U.E.) ON LOTS 1 THROUGH 20. RECORDED ON 14-16 # 96-009902

COUNTY RECORDER'S STATEMENT

FILED FOR RECORD THIS 20th DAY OF February, 2001. AT 1:20 P.M., IN BOOK 333 OF MAPS AT PAGES 33, THROUGH 30, AT THE REQUEST OF FIRST AMERICAN TITLE INSURANCE COMPANY IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA.

PATRICK O'CONNELL, COUNTY RECORDER IN AND FOR THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA.

SURVEYOR'S STATEMENT

I HEREBY STATE THAT THIS SURVEY AND FINAL MAP WAS MADE BY ME OR UNDER MY DIRECT SUPERVISION IN CONFORMANCE WITH THE REQUIREMENTS OF THE "SUBDIVISION MAP ACT" AND LOCAL ORDINANCES. THAT THE SURVEY COMPLETE AS SHOWN, THAT ALL THE MONUMENTS ARE OF A CHARACTER AND LOCATION AS SHOWN, THAT THE POSITIONS INDICATED ON THE EXTERIOR PROPERTY LINE SET AS STATED ON THE ORIGINAL MAP (BOOK 222 OF MAPS AT PAGES 88 THROUGH 88, INCLUSIVE) AND THAT SUCH MONUMENTS ARE SUFFICIENT TO IDENTIFY THE BOUNDARIES OF THE SUBDIVISION MAP ACT OF THE STATE OF CALIFORNIA TO AMEND THE LOCATION OF THE PUBLIC UTILITY EASEMENT (REVISED) AND ADD THE 5' PUBLIC UTILITY EASEMENT (P.U.E.) ON LOTS 1-20.



DATED: 2000-12-20 SURVEYOR'S SIGNATURE: [Signature] EXPIRES: 08/30/2004

OWNER'S STATEMENT

PROTEA PROPERTIES, INC., A CALIFORNIA CORPORATION, DOES HEREBY STATE THAT IT IS THE OWNER OF, OR HAS SOME RIGHT, TITLE, OR INTEREST IN THE REAL PROPERTY INCLUDED WITHIN LOTS 1-20 OF THE AMENDING TRACT 6249, ALAMEDA COUNTY RECORDS, AND WHOSE CONSENT IS NECESSARY TO PASS CLEAR TITLE TO SAID PROPERTY, AND AS HERETOFORE TO THE MAKING AND FILING OF THIS AMENDING TRACT MAP WITHIN THE DISTINCTIVE BORDER LINE.

Said owner does hereby reserve and designate hereon as '10' RSV' (RESERVE) FOR THE PURPOSES OF THE USE OF THE OWNERS OF LOTS 1 THROUGH 20 OF AMENDING TRACT 6249.

Said owner does hereby reserve and designate hereon as '5' PUE' (PUBLIC UTILITY EASEMENT) FOR THE PURPOSES OF PUBLIC UTILITIES AND THEIR APPURTENANCES.

Said owner does hereby reserve and designate hereon as 'CONSERVATION EASEMENT' FOR THE PURPOSES OF THE PRESERVATION OF THE AREA AND ITS VEGETATION IN ITS PRESENT NATURAL CONDITION.

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EXHIBIT A2

Proposed Vacation Of The Public Right-Of-Way Of Skyline Circle Without Cost To The Abutting Property Owners And Reservation Of Public Service Easements

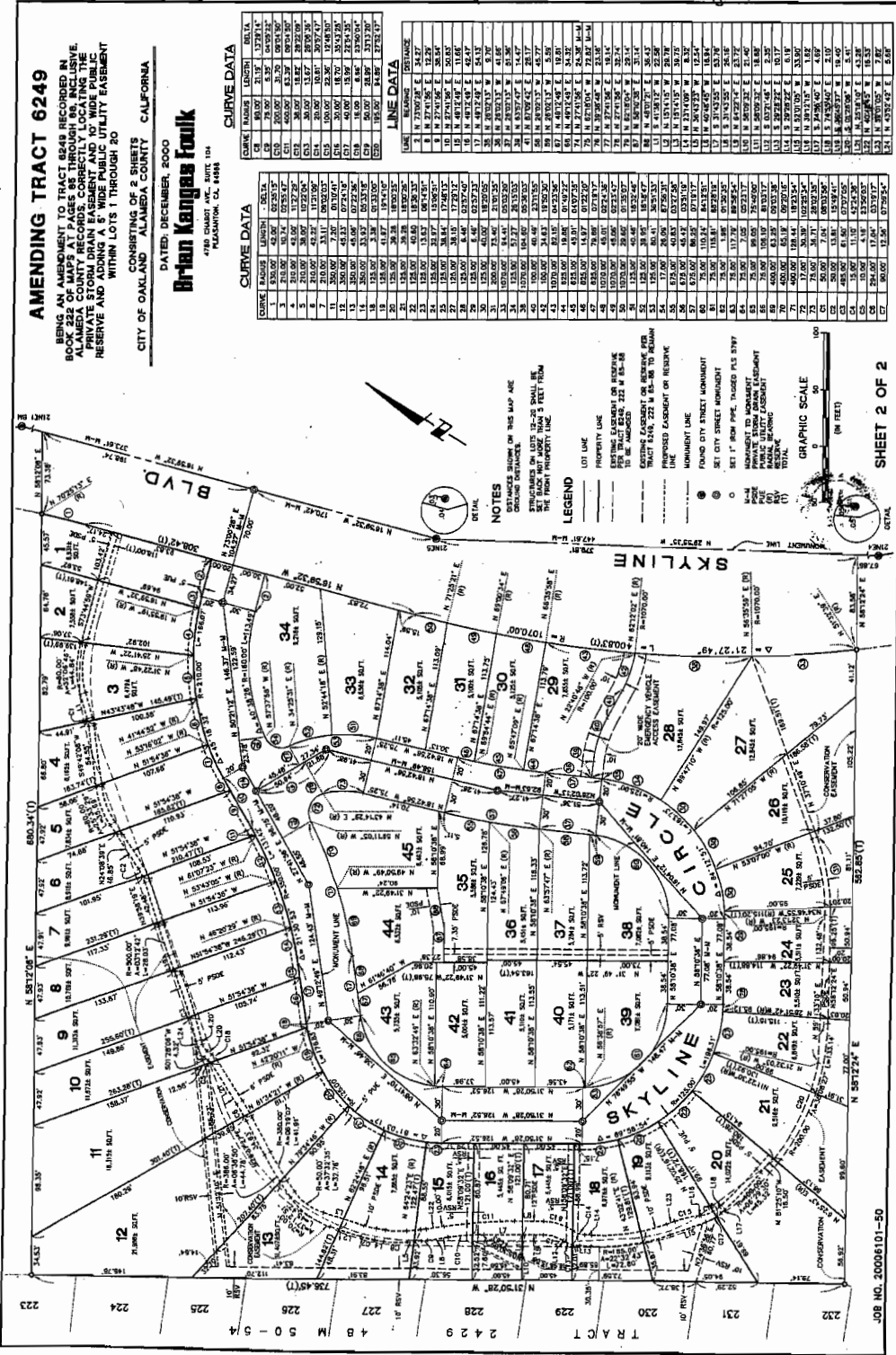
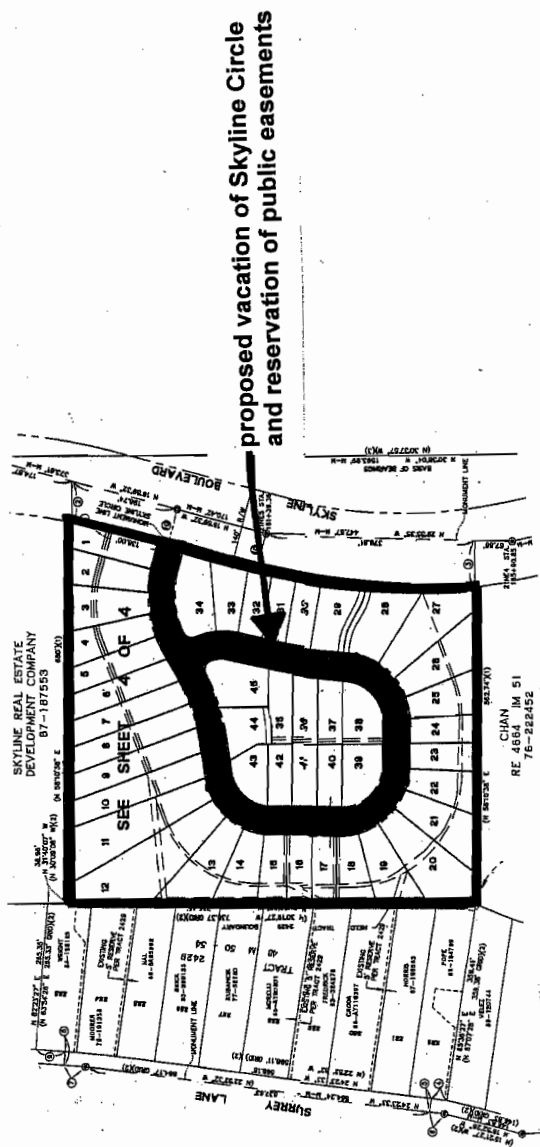


EXHIBIT B

Notification Of A Meeting To Receive Supporting Evidence And Public Testimony For A Proposed Vacation Of The Public Right-Of-Way Of Skyline Circle Without Cost To The Abutting Property Owners And Reservation Of Public Service Easements

PUBLIC NOTICE



Pursuant to California Streets and Highways Code Section 8320 et seq., notice is given to the public that the Council of the City of Oakland intends to vacate the public right-of-way for Skyline Circle without cost to the abutting property owners and reserve public easements for utilities and emergency vehicle access.

Notice is also given to the public that the Council of the City of Oakland will hold a public meeting to receive supporting evidence and public testimony for the proposed vacation in the Chamber of the City Council, on the Third Floor of City Hall, at One Frank H. Ogawa Plaza, in Oakland, California, on May 5, 2009, beginning at 7:01 p.m. local time.

*It is a misdemeanor to deface or to remove this posting.
Violators are subject to a fine of \$1,000 and a jail sentence of 6 months.*

EXHIBIT B

Notification Of A Meeting To Receive Supporting Evidence And Public Testimony For A Proposed Vacation Of The Public Right-Of-Way Of Skyline Circle Without Cost To The Abutting Property Owners And Reservation Of Public Service Easements

PUBLIC NOTICE

Public Meeting For Abandoning A Public Street

Pursuant to California Streets and Highways Code section 8320 et seq., the Council of the City of Oakland will hold a meeting in the Chamber of the City Council, Third Floor of City Hall, at One Frank H. Ogawa Plaza, in Oakland, California, on May 5, 2009, beginning at 7:01 p.m., local time, to receive supporting evidence and public testimony for an ordinance which will abandon (vacate) the public right-of-way for Skyline Circle (located north of the intersection of Skyline Boulevard and Keller Avenue) without cost to the abutting property owners and reserve public easements over the private road for utilities and emergency vehicle access. A map fully delineating the proposed abandonment is available at the City of Oakland, Building Services Division, Dalziel Administration Building, Second Floor, 250 Frank H. Ogawa Plaza, Oakland, CA 94612.

**published in the Oakland Tribune
on April 14, 2009, and April 21, 2009**

EXHIBIT C

Affidavit Certifying Notifications Of A Public Meeting To Receive Supporting Evidence And Public Testimony For A Proposed Vacation Of The Public Right-Of-Way Of Skyline Circle Without Cost To The Abutting Property Owners And Reservation Of Public Service Easements

Pursuant to California Streets and Highways Code Section 8322, I hereby certify that the following public notifications did occur on the dates and times and at the locations and for the durations indicated below:

Site Posting

Facsimiles of the attached placard were affixed before May 5, 2009, to City street light poles in the public sidewalk at intervals not exceeding three hundred (300) feet along Skyline Circle, and have remained in place since then advising the public of a meeting on May 5, 2009, at 7:01 p.m. local time, in the Chambers of the Council of the City of Oakland, on the Third Floor of City Hall, at One Frank H. Ogawa Plaza, to receive supporting evidence and public testimony for the proposed vacation of the public right-of-way and reservation of public easements delineated on the placard.

Newspaper Publication

The attached notice was published in the *Oakland Tribune* on April 14, 2009, and April 21, 2009, advising the public of a hearing on May 5, 2009, at 7:01 p.m. local time in the Chambers of the Council of the City of Oakland, on the Third Floor of City Hall, at One Frank H. Ogawa Plaza to receive supporting evidence and public testimony for the proposed vacation of Skyline Circle (located north of the intersection Skyline Boulevard and Keller Avenue) without cost to the abutting property owners and reserving public service easements further advising the public that a map delineating the limits of the public right-of-way proposed for vacation and the public easements proposed for reservation is available at the Building Services counter on the Second Floor of the Dalziel Administration Building at 250 Frank H. Ogawa Plaza, Oakland, CA 94612.

by _____

RAYMOND M. DERANIA
Deputy Director - City Engineer
Community and Economic Development Agency