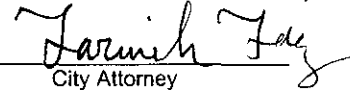


Introduced by

2007 JUN 21 PM 5:02

REVISED

Approved for Form and Legality


City Attorney

Councilmember

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-02-008) prepared

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

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 to install, access, maintain, operate, replace, remove, or renew buried utilities.

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

Councilmember

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-02-008) prepared

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

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 install, access, maintain, operate, replace, remove, or renew its buried utilities, ~~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