

CITY OF OAKLAND

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2004 SEP 16 AM 9:52

Agenda Report

TO: Office of the City Administrator
ATTN: Deborah Edgerly
FROM: Community and Economic Development Agency
DATE: September 28, 2004

RE: **AN ORDINANCE ABANDONING A 5-FOOT WIDE RESERVE
UTILITY EASEMENT LYING ON THE SOUTHWESTERN LINE
OF 6012 ASCOT DRIVE.**

SUMMARY

An ordinance has been prepared to abandon a 5-foot wide reserve easement lying on the southwestern line of 6012 Ascot Drive south of Morley Drive. The easement reserve for sewer and other utilities was never utilized for its intended purposes and is not needed for future use.

Staff recommends approval of the ordinance.

FISCAL IMPACTS

There is no fiscal impact to the City if City Council approves the ordinance.

BACKGROUND

The easement proposed for abandonment was created and dedicated to the City of Oakland through recorded map "Smith Reserve" filed August 22, 1927, in Map Book 17, pages 104 to 107, Alameda County Recorder's Office, for the purposes of constructing and maintaining sewer and other public utilities.

The owner of the property on which the easement lies requested abandonment of the easement located at 6012 Ascot Drive. The easement will be utilized to build a retaining wall necessary to correct and repair a landslide along the said easement. A building permit application for the retaining wall has been approved and is ready for issuance.

The proposed abandonment has been reviewed and approved by the affected City departments and agencies, and has been found to be categorically exempt under Section 15301 and 15305 of the California Environmental Quality Act's Guidelines.

The easement proposed for abandonment is not for use by the general public; therefore, no formal public hearing is required to conclude the matter.

ENVIRONMENTAL OPPORTUNITIES

The applicant will be required to adhere to Best Management Practices during construction of the proposed retaining wall.

DISABILITY AND SENIOR CITIZEN ACCESS

There is no opportunity for disability and senior citizen accessibility requirement.

RECOMMENDATION AND RATIONALE

Since it has been determined that the easement is not needed for future use, staff recommends that the ordinance be approved.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends approval of the ordinance.

Respectfully submitted,



CLAUDIA CAPPIO, Development Director,
Community and Economic Development Agency

Prepared by:

CALVIN N. WONG
Director of Building Services

APPROVED AND FORWARDED
TO THE PUBLIC WORKS COMMITTEE



Office of the City Administrator

INTODUCED BY COUNCILMEMBER _____

FILED
OFFICE OF THE CITY CLERK
CITY ATTORNEY

2004 SEP 16 AM 9:54

ORDINANCE NO. _____ 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, _____, 2004

PASSED BY THE FOLLOWING VOTE:

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

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

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

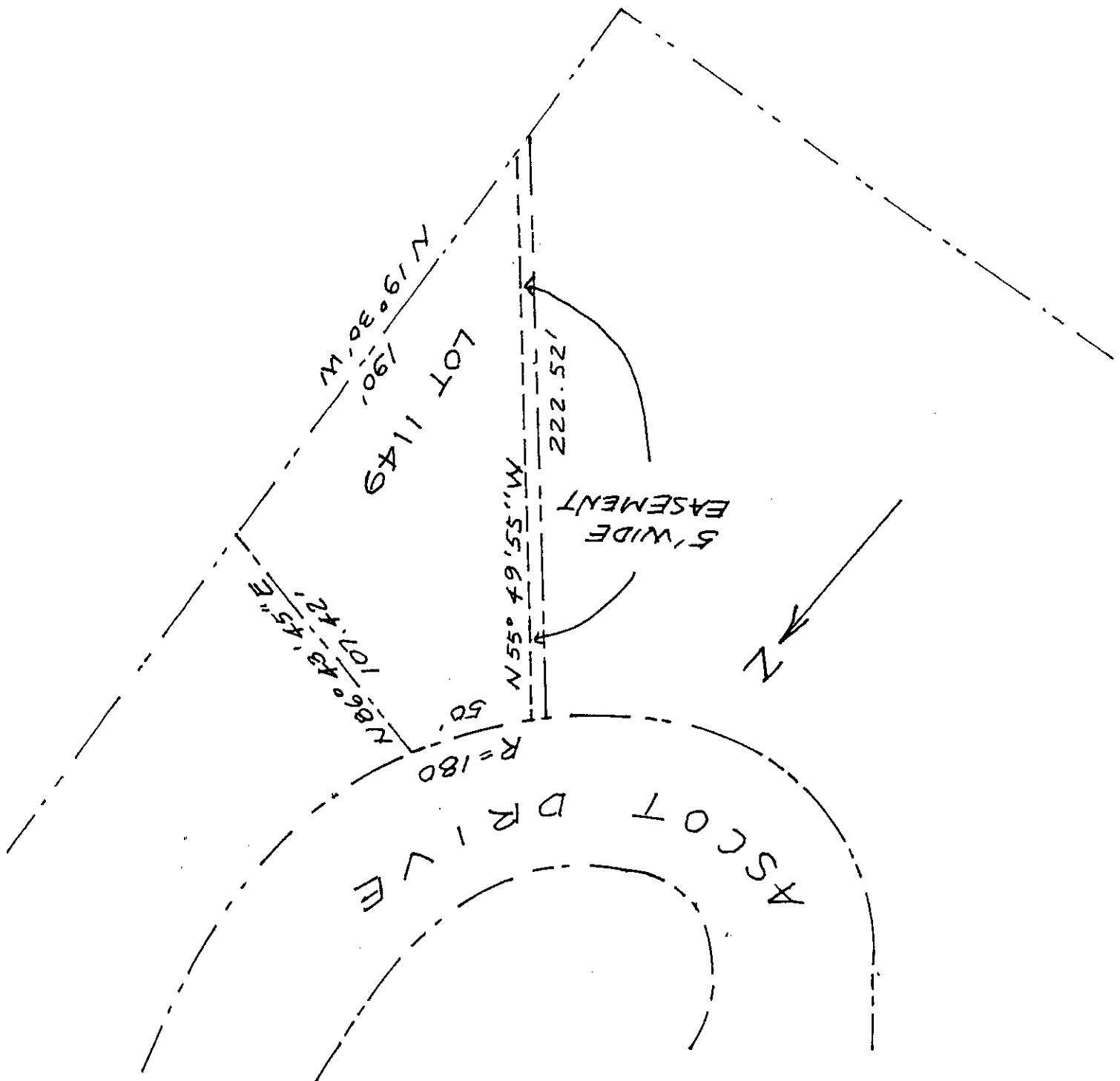


EXHIBIT "A"
N.T.S.