


2021 MAR 11 PM 2:16

  
City Attorney

## OAKLAND CITY COUNCIL

RESOLUTION No. 88530 C.M.S.

Introduced by Councilmember \_\_\_\_\_

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### RESOLUTION CONDITIONALLY VACATING A PORTION OF THE PUBLIC RIGHT-OF-WAY OF KING STREET FROM 5 FEET SOUTH OF ITS INTERSECTION WITH DENNISON STREET TO 68.6 FEET NORTH OF ITS INTERSECTION WITH FREDERICK STREET

**WHEREAS**, pursuant to California Streets and Highways Code Section 8300 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 March 2, 2021, beginning at 1:30 p.m. local time to receive supporting evidence and public comments for a proposed resolution conditionally vacating a portion of the public right-of-way of King Street from 5 feet south of its intersection with Dennison Street to 68.6 feet north of its intersection with Frederick Street; and

**WHEREAS**, pursuant to California Streets and Highways Code Sections 8312 and 8355, Duke Realty K&D LP, a Delaware limited partnership, owner of the adjacent property located at 955 Kennedy Street and 1905 Dennison Street Avenue ("Applicant") have filed an application (PPE 2000054) with the City Engineer of the City of Oakland and paid fees required by the Master Fee Schedule requesting that the Council of the City of Oakland vacate said portion of King Street, as delineated by the metes and bounds in **Exhibit A**, and shown in the maps attached hereto as **Exhibit B**; and

**WHEREAS**, said vacation will close through traffic on King Street to improve neighborhood safety and health; and

**WHEREAS**, in accordance with Government Code section 65402, the City Planning Bureau has considered the partial vacation for conformity with the City's General Plan, and has determined that the location, purpose, and extent of the proposed vacation conform with the General Plan; and

**WHEREAS**, said land area proposed for vacation will be removed from the inventory of public streets maintained by the City of Oakland; and

**WHEREAS**, pursuant to California Streets & Highways Code section 8348, the City Engineer has informed public utilities serving the property abutting King Street of the City's intention to vacate said portion of King Street; and

**WHEREAS**, the City Engineer has determined that the proposed vacation of said portion of King Street will not adversely impact current or future traffic or pedestrian access to the adjoining and surrounding real properties; and

**WHEREAS**, the portion of King Street proposed for vacation is wholly located within the corporate limits of the City of Oakland; and

**WHEREAS**, as a separate and independent basis, the project is also exempt from CEQA review pursuant to CEQA Guidelines Section 15301; 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 C**, and an affidavit, attached as **Exhibit D**, confirm that the City Engineer completed the statutory requirements for notifying the public of the City's intention to vacate a portion of King Street and of the location, date, and time of public hearing to receive supporting evidence and public comments for the proposed vacation; 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; now, therefore, be it

**RESOLVED:** That the vacation of a portion of King Street between Dennison Street and Frederick Street complies with requirements of CEQA; and be it

**FURTHER RESOLVED:** That the maps attached hereto as **Exhibit B** does fully delineate the metes and bounds of the section of public right-of-way proposed for vacation; and be it

**FURTHER RESOLVED:** That the conditional vacation of a portion of King Street between Dennison Street and Frederick Street, as delineated in **Exhibit A** and **Exhibit B** is hereby ordered; and be it

**FURTHER RESOLVED:** That this order of vacation shall expire by limitation and become void in the event that the applicant and its representatives, heirs, successors, and assigns and successive owners of said vacated portion of King Street fail to complete the following required action below:

- a. Within one (1) year following adoption of this resolution, complete public infrastructure construction under infrastructure permit number PX2000018 for the relocation of existing and the installation of new public infrastructure improvements, which include, but are not limited to, ADA curb ramp, fire hydrant relocation, streetlight removal and installation of street closure signs, sidewalk, curb, gutter, storm water catchments, roadway striping, traffic control devices, horizontal control monumentation; and be it

**FURTHER RESOLVED:** That pursuant to California Streets and Highways Code section 8325, this resolution shall not be complete unless and until this resolution has been filed for recording with the Alameda County Clerk-Recorder.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

MAR 0 2 2021

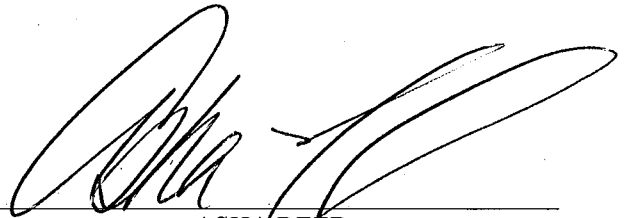
AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND  
PRESIDENT FORTUNATO BAS - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:



ASHA REED

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

**Exhibit A:** Metes and Bounds of King Street Vacation

**Exhibit B:** Map of King Street Vacation

**Exhibit C:** Notice of Public Hearing

**Exhibit D:** Affidavit Certifying Notification

**EXHIBIT A**  
Metes and Bounds of the King Street Vacation

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**  
**KING STREET VACATION**

IN THE CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, BEING THAT PORTION OF KING STREET (80.00 FEET WIDE) AS SHOWN ON THE MAP OF SHELL MOUND TRACT FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY ON MAY 5, 1876 IN BOOK 5 OF MAPS, PAGE 1, BOUNDED IN THE NORTH BY THE SOUTHERLY LINE OF DENNISON STREET (80.00 FEET WIDE) AND IN THE SOUTH BY THE NORTHERLY LINE OF FREDERICK STREET (80.00 FEET WIDE).

EXCEPTING THEREFROM THE NORTHERLY 5.0 FEET AND THE SOUTHERLY 68.6 FEET;

RESERVING THEREFROM A BLANKET EASEMENT IN FAVOR OF THE CITY OF OAKLAND FOR EMERGENCY VEHICULAR ACCESS EASEMENT (EVA) AND PUBLIC UTILITY EASEMENT (PUE) OVER THE REFERENCED VACATED AREA.

CONTAINING 26,112 SQUARE FEET, MORE OR LESS.

PREPARED BY ME OR UNDER MY DIRECTION.

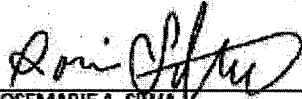
  
\_\_\_\_\_  
ROSEMARIE A. SILVA  
P.L.S. 9545  
REV: 1/26/2021



EXHIBIT B  
Map of King Street Vacation

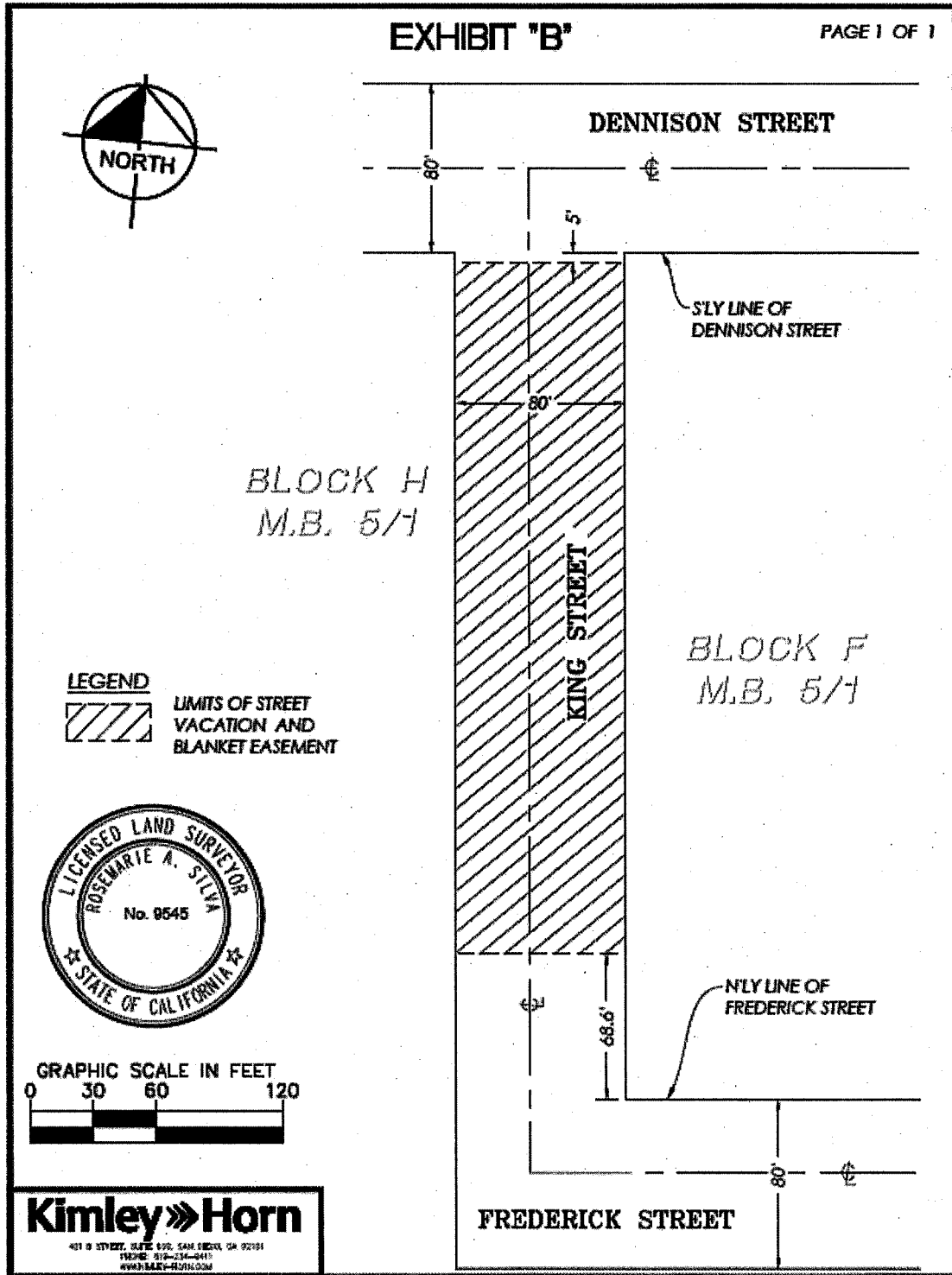


EXHIBIT C  
Notice of Public Hearing

CITY OF OAKLAND



250 FRANK H. OGAWA PLAZA OAKLAND, CALIFORNIA 94612-2033

Department of Transportation

(510) 238-6383  
TDD (510) 238-3254

**NOTICE OF PUBLIC HEARING**

PURSUANT TO CALIFORNIA STREETS AND HIGHWAYS CODE SECTION 8320 ET SEQ., ON MARCH 2, 2021, BEGINNING AT 1:30 P.M., THE CITY COUNCIL OF THE CITY OF OAKLAND WILL HOLD A MEETING VIRTUALLY THROUGH THE ZOOM PLATFORM TO RECEIVE SUPPORTING EVIDENCE AND PUBLIC TESTIMONY AND CONSIDER A RESOLUTION WHICH WILL CONDITIONALLY VACATE A PORTION OF THE PUBLIC RIGHT-OF-WAY OF KING STREET FROM 5 FEET SOUTH OF ITS INTERSECTION WITH DENNISON STREET TO 68.6 FEET NORTH OF ITS INTERSECTION WITH FREDERICK STREET. A DETAILED MAP IS AVAILABLE AT ENGINEERING SERVICES, DEPARTMENT OF TRANSPORTATION, 250 FRANK OGAWA PLAZA, 4TH FLOOR, OAKLAND, CA 94612, OR CAN BE MADE AVAILABLE ELECTRONICALLY UPON REQUEST SENT TO ENGINEERING SERVICES AT THE CONTACT EMAIL BELOW.

To access the City Council meeting virtually, please refer to the March 2, 2021 City Council Agenda at <https://oakland.legistar.com/Calendar.aspx>. The Agenda will contain instructions for accessing the Zoom platform via personal computer or telephone. Said public hearing may be adjourned from time to time until completed. The hearing will be held March 2, 2021 on teleconference at 1:30 pm. The purpose of the public hearing is to hear testimony of all interested parties. All interested parties are welcome to attend and present comments on the proposed resolution. Written comments may be submitted prior to the hearing. For more information, questions regarding the zoom platform, and copies of the reports, contact Chong Hong, Engineering Services, at [Chong@oaklandca.gov](mailto:Chong@oaklandca.gov) or 510-238-3892.

Dated: February 1, 2021

CITY OF OAKLAND

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Published in the Oakland Tribune on February 12, 2021  
and February 19, 2021

**EXHIBIT D**

**Affidavit**

**Affidavit Certifying Notification**

Pursuant to California Streets & Highways Code section 8317, and in accordance with Streets & Highways Code sections 8320(b), 8322, and 8323, 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**

At least three copies of the attached placard were affixed before March 2, 2021, to City street light poles in the public sidewalk at intervals not exceeding three hundred (300) feet along King Street, Dennison Street, and Frederick Street, and have remained in place since then to provide notice of a public hearing on March 2, 2021, at 1:30 p.m., virtually through the zoom platform, to receive supporting evidence and public testimony for the proposed vacation of a portion of the public right-of-way of King Street starting from 5 feet South of its intersection with Dennison Street to 68.6 feet north of its intersection with Frederick street.

**Newspaper Publication**

The attached notice was published in the Oakland Tribune twice on consecutive weeks on February 12, 2021, and February 19, 2021, to provide notice of a public hearing on March 2, 2021, at 1:30 p.m. virtually through the zoom platform to receive supporting evidence and public testimony for the proposed vacation of a portion of the public right- of-way of King Street starting from 5 feet South of its intersection with Dennison Street to 68.6 feet north of its intersection with Frederick street. A detail map is available at Engineering Service, Department of Transportation, 4th Floor, 250 Frank H. Ogawa Plaza, Oakland, CA 94612.



Chong Hong

Acting Supervising Civil Engineer

Department of Transportation