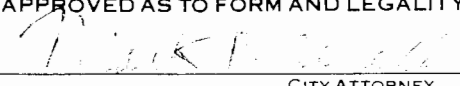


INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

  
 CITY ATTORNEY

# ORDINANCE No. \_\_\_\_\_ C. M. S.

## ORDINANCE SUMMARILY VACATING A PUBLIC PATH LOCATED WEST OF PANORAMIC WAY, OAKLAND, CALIFORNIA

WHEREAS, a certain public path was dedicated to the City of Oakland: and

WHEREAS, the path to be summarily vacated by this ordinance is located in the City of Oakland and is more particularly described as follows:

"The ten (10') foot wide strip of land lying between lot 12 and lot 50 of block "H" of the "Map of University Uplands, filed July 5, 1917, Book 16 of Maps at Page 40, Alameda County Records."

WHEREAS, the requirements of the California Environmental Quality Act (CEQA) of 1970, the guidelines as prescribed by the Secretary of Resources, and the City's environmental review regulations as amended, have been satisfied, and that in accordance with Section 15301 of the California Code of Regulations this project is exempt from the provision of the California Environmental Quality Act; and

WHEREAS, said portion of the public path has not been used for the purpose for which it was dedicated or acquired for five consecutive years prior to this proposed vacation, no public money was expended for said path during said five year period, and the vacation thereof will be in the public interest; and

WHEREAS, said summary vacation is made under Section 8333(a) of the California Streets and Highways Code, now, therefore, the City Council of Oakland does ordain as follows:

SECTION I. That the Council, because of the reasons set forth in Street and Highways Code Section 8333(a), hereby orders the summary vacation of the herein above-described public path.

SECTION II. That the City Clerk and the Clerk of this Council are hereby directed to have a certified copy of the ordinance recorded at the Office of the Recorder of Alameda County, immediately upon its final passage.

SECTION III. That from and after the date of recordation of this ordinance, said public path no longer constitutes a city right-of-way.

SECTION IV. The Council finds that this summary path vacation is in compliance with the California Environmental Quality Act.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 19\_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES- BRUNNER, CHANG, MILEY, NADEL, REID, RUSSO, SPEES AND  
PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_  
CEDA FLOYD

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

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9-19-00

**CITY OF OAKLAND**  
**COUNCIL AGENDA REPORT**

TO: Office of the City Manager  
ATTN: Robert C. Bobb  
FROM: Public Works Agency  
DATE: September 19, 2000

RE: **RESOLUTION AUTHORIZING THE CITY MANAGER TO WAIVE THE FORMAL COMPETITIVE BIDDING PROCESS, NEGOTIATE IF NECESSARY AND TO AWARD A CONSTRUCTION CONTRACT IN THE AMOUNT NOT TO EXCEED \$85,000 TO REPAIR SARONI DRIVE LANDSLIDE**

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**SUMMARY**

A resolution has been prepared authorizing the City Manager to waive the formal competitive bidding process and to award a construction contract in the amount not to exceed \$85,000 for repair of the Saroni Drive Landslide.

Ordinance No. 7937 and amendments contained in Ordinance No. 11724 set forth procedures to be followed for bidding, contracting and purchasing goods and services. The ordinance allows a waiver of the process if it is determined that it is in the best interest of the City to do so. Staff recommends that the formal bid process be waived and that an informal bid process be approved, and to negotiate if necessary to expedite the execution of a construction contract for the repairs to Saroni Drive.

**FISCAL IMPACT**

Funding for the subject project will be provided from Measure 'B' Sales Tax funds, which are available in the current fiscal year appropriations under project C99510, Roadway Slide Repair. The total funding needed for this project is \$105,000, which includes the estimated contract amount of \$85,000 and \$20,000 for construction engineering and contingencies.

**BACKGROUND**

Over the past two winter seasons, land movement has progressed adjacent to Saroni Drive, threatening a section approximately 50 feet in length and potentially endangering the underground utilities. Although the roadway has not been damaged, further land movement could undermine the road and present a traffic hazard. Public Works Maintenance Services staff have been monitoring the area to ensure public safety. Area residents have requested that Public Works take immediate action prior to the upcoming winter.

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9-19-00

**KEY ISSUES AND IMPACTS**

Saroni Drive is a road serving a residential area in the Montclair district. This street connects to Shepherd Canyon Road. Further land movement could undermine the road and pose a potential hazard for motorists. Construction of the repairs needs to begin as soon as possible to prevent the road from being damaged further by storms, to protect the underground utilities in the street, and to maintain the roadway open for safe operation.

In order to expedite the repair of the road, Public Works will informally request bids from local contractors licensed to perform the type of work required. The prospective bidders will be required to meet the City's LBE/SLBE programs.

The following is the proposed schedule for the project:

<b>Request Bids Informally:</b>	<b>Late August 2000</b>
<b>Award Contract:</b>	<b>September 20, 2000</b>
<b>Begin Construction:</b>	<b>October 7, 2000</b>
<b>Complete Construction:</b>	<b>November 7, 2000</b>

**ENVIRONMENTAL OPPORTUNITIES**

Construction of a retaining wall, the selected method of repair, will result in the least impact to the nearby creek. Restoration of native vegetation on the damaged slope will take place shortly after construction of the retaining wall.

**DISABILITY AND SENIOR CITIZEN ACCESS**

There is no impact to disability or senior citizen access following actions under this report.

**RECOMMENDATION AND RATIONALE**

Staff recommends that the resolution be approved in order to expedite repair of Saroni Drive.

# OAKLAND CITY COUNCIL

RESOLUTION NO. \_\_\_\_\_ C. M. S.

INTRODUCED BY COUNCILMEMBER \_\_\_\_\_

**RESOLUTION AUTHORIZING THE CITY MANAGER TO WAIVE THE FORMAL COMPETITIVE BIDDING PROCESS, NEGOTIATE IF NECESSARY AND TO AWARD A CONSTRUCTION CONTRACT IN THE AMOUNT NOT TO EXCEED \$85,000 TO REPAIR SARONI DRIVE LANDSLIDE**

WHEREAS, over the past two winter seasons, land movement has occurred on Saroni Drive, threatening a 50-foot section of roadway and potentially endangering the underground utilities; and

WHEREAS, further land movement could undermine the road and present a traffic hazard; and

WHEREAS, area residents have requested that Public Works take immediate action to prevent damage to the road prior to the upcoming winter; and

WHEREAS, in order to expedite the necessary repairs, Public Works will informally request bids from local contractors licensed to perform the type of work required; and

WHEREAS, the City's Municipal Code, Title 2, Section 2.04.050, I (5) allows an exception to the competitive bidding process when it is determined that it is not in the best interest of the City to formally bid the work; now therefore be it

RESOLVED: That the City Council finds and determines that it is in the best interest of the City to waive the formal bid requirements in order to expedite the necessary repairs on Saroni Drive before the onset of the rainy season; and be it

FURTHER RESOLVED: That the City Manager is hereby authorized to waive the formal bid requirements, call for informal bids and if the bids are not within budget, to negotiate with the lowest responsible bidder and award a contract for the repair of Saroni Drive in an amount not to exceed \$85,000; and be it

FURTHER RESOLVED: That the contractor selected for this work shall be required to meet all the requirements of the City's LBE/SLBE contracting program; and be it

FURTHER RESOLVED: That copies of the contract shall be approved for form and legality by the City Attorney, and shall be kept on file in the Office the City Clerk.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 20\_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES- BRUNNER, CHANG, MILEY, NADEL, REID, RUSSO, SPEES AND  
PRESIDENT DE LA FUENTE

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_

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

Suppl  
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9-19-00

C I T Y   O F   O A K L A N D  
C O U N C I L   A G E N D A   R E P O R T

TO: Office of the City Manager  
ATTN: Robert C. Bobb  
FROM: Community and Economic Development Agency  
DATE: September 19, 2000

RE: AN ORDINANCE VACATING A TEN FOOT WIDE PUBLIC PATH  
LOCATED WEST OF PANORAMIC WAY, OAKLAND, CALIFORNIA

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**SUMMARY**

An ordinance has been prepared vacating an existing ten-foot wide strip of land which was dedicated as a public path by the recordation of the "Map of University Uplands", filed July 5, 1917. The path is located west of Panoramic Way between two properties under common ownership. The land was never improved for use as a public path. There are no plans to improve the path in the future. Luanne Warner, the owner of the two abutting properties, has requested the vacation. She owns the underlying fee interest to the ten-foot strip of land and the land, if vacated, would revert to her in fee. Staff recommends approval of the ordinance.

**FISCAL IMPACT**

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

**BACKGROUND**

Luanne Warner, the owner of the two abutting lots has applied for vacation of the public path. The path bisects two properties owned by the applicant and although dedicated as a public path, it has never been improved or used for that purpose. Vacation of the path would increase the width of the two abutting lots by five feet. The City has no interest in utilizing the land as a public path, now or any time in the future. It is in the City's best interest to vacate this unused strip of land.

It has been determined that the path vacation is categorically exempt under the requirements of the California Environmental Quality Act.

**ENVIRONMENTAL OPPORTUNITIES**

There are no environmental opportunities associated with this project.

**DISABILITY AND SENIOR CITIZEN ACCESS**

There are no opportunities to require improvements for disability and senior citizen access.

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9-19-00

**RECOMMENDATIONS**

Since the public path was never used for the purpose for which it was dedicated, and there are no plans to improve the path in the future, staff recommends that the City Council approve the ordinance vacating the public path.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff requests that the City Council adopt this ordinance.

Respectfully submitted,

  
WILLIAM E. CLAGGETT  
Executive Director

Prepared by:  
CALVIN N. WONG  
Director of Building Services

APPROVED AND FORWARDED TO THE  
CITY COUNCIL

  
OFFICE OF THE CITY MANAGER