

CITY OF OAKLAND
AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2010 JAN 13 PM 6:02

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Community and Economic Development Agency
DATE: January 26, 2010

RE: A Report And Resolution Summarily Vacating An Unimproved Portion Of The 66th Avenue Right-Of-Way Adjacent To The Oakland-Alameda County Coliseum Complex For The Purchase And Future Development By The Oakland Redevelopment Agency

SUMMARY

The proposed resolution will vacate (remove) an unused dedication of the 66th Avenue right-of-way from a two (2) acre, City-owned parcel bounded by Joe Morgan Way, the Interstate 880 freeway, and the Oracle Arena parking lot. The Alameda County Flood Control District will retain a separate drainage easement across the southern half of the parcel. The Redevelopment Agency (ORA) has requested that the unneeded encumbrance be removed from the parcel so that ORA can purchase the northern half of the parcel from the City for future development.

FISCAL IMPACT

Staff costs for processing the proposed vacation are covered by fees set by the Master Fee Schedule. The fees will be paid by ORA and deposited in the special revenue Development Service Fund (2415), Engineering Services organization (88432), Encroachment Permits account (42314), Engineering and Architectural Plan Approval (PS30).

KEY ISSUES AND IMPACTS

The City-owned, two (2) acre parcel is located on the southern side of 66th Avenue adjacent to the entrance to the Oracle Arena parking lot. The northern half of the parcel is currently leased to a private firm for agricultural use (turf production), and the southern half is used by the Alameda County Flood Control District for a drainage slough (recorded easement). ORA has requested that the unused street dedication be removed from the parcel so that the northern one (1) acre portion can be purchased from the City for future development.

California Streets and Highways Code section 8330 et seq. allows the City to vacate public right-of-way without a public hearing when the land has been impassible to public traffic and unmaintained as public right-of-way for more than five (5) years. The parcel has never been improved for traffic or pedestrian access, and the portion which ORA will purchase is not needed for future widening of 66th Avenue, Joe Morgan Way, or the Interstate 880 freeway.

Item: _____
Public Works Committee
January 26, 2010

SUSTAINABLE OPPORTUNITIES

Economic: The proposed vacation of the 66th Avenue unimproved right-of-way will provide one-time income for the City from the pending sale to ORA and a continuing revenue stream from future development of the site.

Environmental: Construction permits for future development of the site will require that the permittee comply with City ordinances and regional Best Management Practices for reducing nuisance noise, fugitive dust, construction debris disposal, and storm drainage pollutant runoff.

Social Equity: The proposed vacation of the 66th Avenue unimproved right-of-way will assist the economic revitalization of the surrounding district.

DISABILITY AND SENIOR CITIZEN ACCESS

Construction permits for future development will conform with State and City requirements for handicapped accessibility.

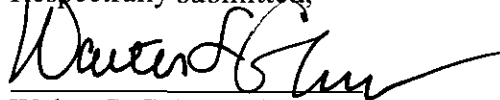
RECOMMENDATIONS

Staff recommends that the Committee accept this report and forward it to the City Council for adoption of the proposed resolution approving the vacation of the public right-of-way.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council accept this report and adopt the proposed resolution summarily vacating the 66th Avenue unimproved right-of-way for the purchase by ORA.

Respectfully submitted,

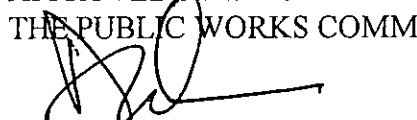


Walter S. Cohen, Director
Community and Economic Development Agency

Prepared by:

Raymond M. Derania
City Engineer
Building Services Division

APPROVED AND FORWARDED TO THE
THE PUBLIC WORKS COMMITTEE:


Office of the City Administrator

Item: _____
Public Works Committee
January 26, 2010

Introduced by

Councilmember

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2010 JAN 13 PM 6:03

Approved for Form and Legality



City Attorney

OAKLAND CITY COUNCIL

Resolution No. _____ C.M.S.

**SUMMARY VACATION OF AN UNIMPROVED PORTION OF THE 66th AVENUE
RIGHT-OF-WAY ADJACENT TO THE OAKLAND-ALAMEDA COUNTY COLISEUM
COMPLEX FOR THE PURCHASE AND FUTURE DEVELOPMENT BY THE
OAKLAND REVEDEVELOPMENT AGENCY**

WHEREAS, pursuant to California Streets and Highways Code Section 8330 et seq., the Redevelopment Agency of the City of Oakland has made an application (PPE 10051), as required by the Oakland Municipal Code, to the City Engineer of the City of Oakland for the summary vacation of an unimproved portion of the 66th Avenue public right-of-way bounded by Joe Morgan Way (formerly Coliseum Way), the Interstate 880 freeway, and the Oakland-Alameda County Oracle Area and Coliseum Complex; and

WHEREAS, pursuant to the North American Datum of 1983, Zone III, the grid distances and compass bearings inscribing the boundary of said real property are described in the attached *Exhibit A* and delineated in the attached *Exhibit B* and shown diagrammatically in the attached *Exhibit C*; and

WHEREAS, the City of Oakland acquired the underlying fee simple interest of said real property through two independent actions:

- by eminent domain, as set forth in a Final Judgment of Condemnation, recorded December 1, 1966, on reel no. 1881, image no. 778, by the Alameda County Recorder; and
- by a grant from the Board of Commissioners of the Port of Oakland, Resolution No. 7323, recorded May 23, 1944, in book 4081 of deeds, page 89, by the Alameda County Recorder; and

WHEREAS, said real property is encumbered by a drainage easement in favor of the Alameda County Flood Control District, on reel no. 1358, image no. 483, by the Alameda County Recorder, for Arroyo Viejo Creek and Damon Slough which crosses the southern-half of said real property, as delineated in *Exhibit B*; and

WHEREAS, the City of Oakland currently leases the northern-half of said real property to a private firm for agricultural use; and

WHEREAS, the planer projection land area of said real property encompasses 94,598 square feet (2.17 acres), and said drainage easement encompasses 47,227 square feet (1.08 acres), and said remaining portion currently used for turf production (lawn sod) encompasses 47,351 square feet (1.09 acres); and

WHEREAS, the Redevelopment Agency intends to make an offer to the City of Oakland to purchase said northern-half of said real property for future development; and

WHEREAS, the pending sale of said northern-half of said real property will provide both short-term income and a longer-term revenue stream for the City of Oakland; and

WHEREAS, said future development will assist the economic revitalization of the surrounding business and industrial districts and will complement and support the entertainment and sports venues at the Oakland-Alameda County Coliseum Complex; and

WHEREAS, said real property was never improved for public traffic or pedestrian access; and

WHEREAS, the City Engineer has determined that said real property will not be needed for future roadway widening of 66th Avenue, Joe Morgan Way, or the Interstate 880 freeway; and

WHEREAS, pursuant to said sections of the California Streets and Highways Code, the City Engineer has further determined the following:

- The City of Oakland owns the underlying fee simple interest in the public right-of-way proposed to be vacated.
- The proposed vacation does not limit public use or impede public access for non-motorized transportation.
- The proposed vacation will not increase traffic and pedestrian inconvenience nor decrease traffic and pedestrian safety.
- The proposed vacation does not require the reservation of public service easements for existing and future publicly maintained utilities or emergency vehicle access.
- The proposed vacation will not adversely impact said drainage easement or the use or function of the open-channel slough by the Alameda County Flood Control District.
- The real property proposed for vacation has been impassable for vehicular and pedestrian traffic in the intervening years since the acquisitions in 1944 and 1966 by the City of Oakland, and no public money has been expended for maintenance of the unimproved right-of-way during this period of time.
- Said real property, therefore, may be vacated summarily by Resolution of the Council of the City of Oakland; and

WHEREAS, pursuant to California Government Code Section 65402, the Secretary of the Planning Commission of the City of Oakland has determined the proposed vacation conforms with the adopted General Plan of the City of Oakland; and

WHEREAS, the Redevelopment Agency will pay all fees to the City of Oakland, as required by the Master Fee Schedule, for the administrative processing of the application for said vacation; and

WHEREAS, the requirements of the California Environmental Quality Act (CEQA), 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, have been satisfied, and that in accordance with CEQA Guidelines Section 15301 (existing facilities) this project is categorically exempted; now, therefore, be it

RESOLVED: That the action of the Council of the City of Oakland approving the summary vacation of a portion of the unimproved public right-of-way of 66th Avenue complies with the California Environmental Quality Act; and be it

FURTHER RESOLVED: That the summary vacation of a portion of the unimproved public right-of-way of 66th Avenue, as described in the attached *Exhibit A* and delineated in the attached *Exhibit B*, is hereby ordered; and be it

FURTHER RESOLVED: That, pursuant to California Streets and Highways Code Section 8336, said vacation shall not be complete unless and until this Resolution has been filed with and recorded by the Alameda County Recorder; and be it

IN COUNCIL, OAKLAND, CALIFORNIA, _____, **2010**

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID,
AND PRESIDENT BRUNNER

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California

Exhibit A

Metes and bounds of the vacated portion of the 66th Avenue unimproved public right-of-way


In the City of Oakland, County of Alameda, State of California, being a portion of that real property described as Parcel 1A in that certain Final Judgment in Condemnation to the City of Oakland recorded December 1, 1966 at Reel 1881, Image 778, of Official Records, Alameda County Records, together with a portion of Parcel No. 4 as described in Board of Port Commissioners Resolution No. 7323, recorded May 23, 1944, in Book 4081 of Deeds, Page 89, Alameda County Records, more particularly described as follows:

BEGINNING at the northwesterly corner of Parcel 1 as shown on "Parcel Map No. 7000" filed in Book 223 of Parcel Maps at pages 84-85, on August 1, 1996, Alameda County Records, being also the intersection of the southerly line of said Parcel No. 4 and the easterly Right of Way line of Interstate 880 as shown on CALTRANS Right of Way Record Maps R-6.5 and R-6.5b, thence along said easterly CALTRANS Right of Way line, North 10°11'35" West 160.32 feet, to a tangent curve to the right; thence along said tangent curve having a radius of 87.00 feet, through a central angle of 75°08'45", for an arc length of 114.10 feet; thence leaving said CALTRANS Right of Way line North 64°57'10" East 2.32 feet; thence North 03°10'43" East 15.19 feet; thence North 64°40'53" East 253.46 feet to a tangent curve to the right; thence along said tangent curve having a radius of 53.00 feet, through a central angle of 68°04'03", for an arc length of 62.96 feet; thence South 47°15'04" East 190.85 feet to a point on the southerly line of said Parcel No. 4, being the same as the northerly line of said Parcel 1 of Parcel Map No. 7000; thence along said southerly line South 62°11'31" West 510.20 feet to the **POINT OF BEGINNING**.

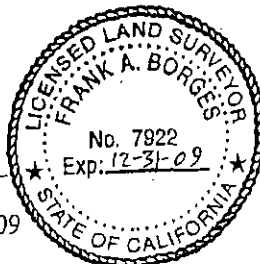
Containing 94,598 square feet (2.17 acres), more or less, as measured on the ground.

Exhibit "B" is attached hereto and made a part hereof.

This description was prepared by me or under my direction in conformance with the Professional Land Surveyors Act. All bearings and distances are based on the North American Datum of 1983 (NAD83), Zone III. All distances are grid distances. To convert grid distances to ground distances, multiply expressed distances by 1.0000708.



Frank A. Borges, PLS 7922
My License Expires on 12/31/2009



NOVEMBER 25, 2009
Date

Exhibit B

Delineation of the vacated portion of the 66th Avenue unimproved public right-of-way

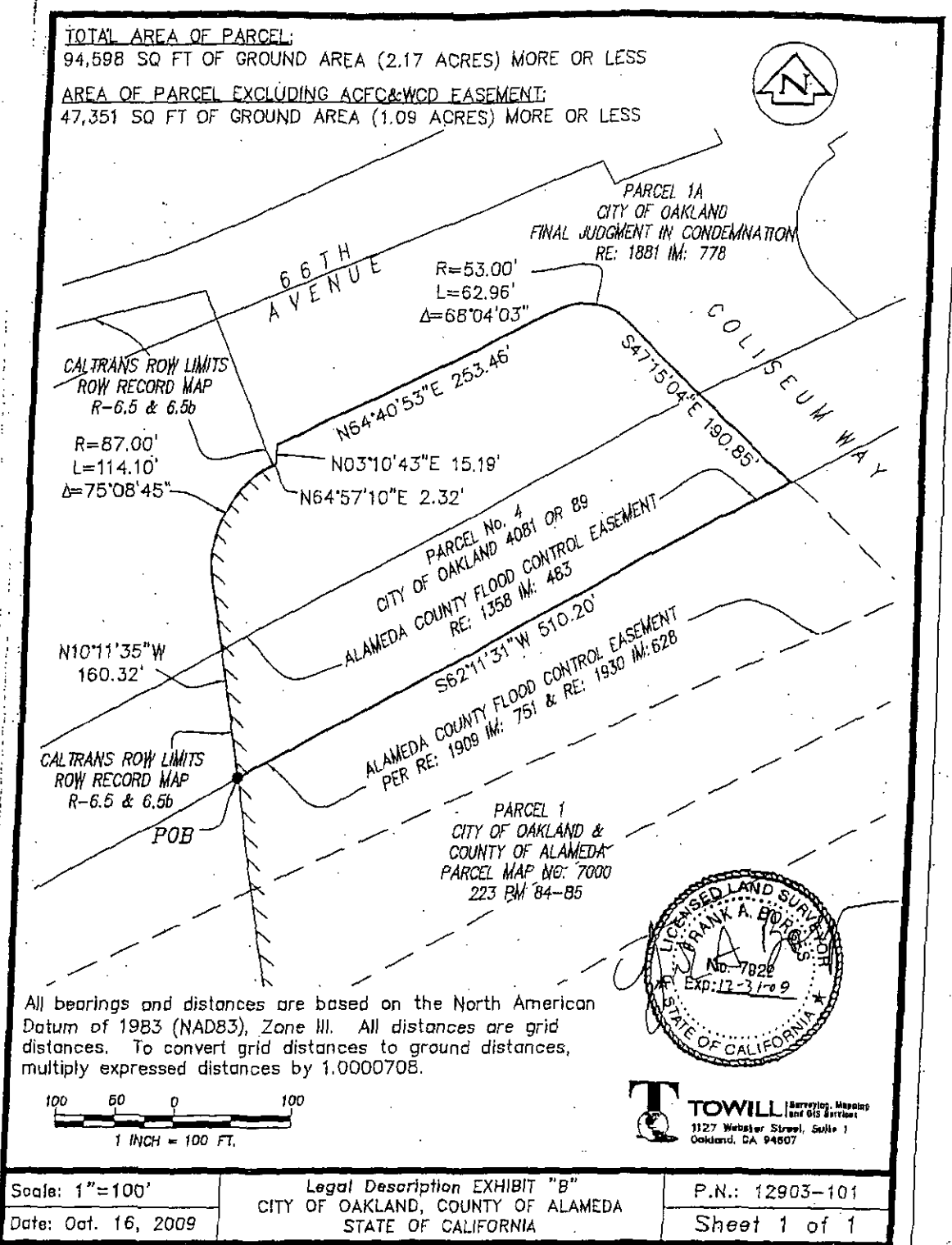


Exhibit C

Diagram of the vacated portion of the 66th Avenue unimproved public right-of-way

