

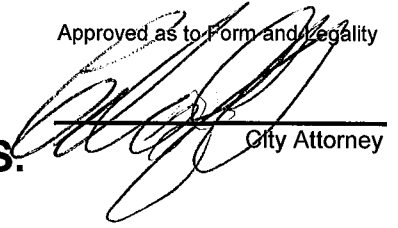
FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

# OAKLAND CITY COUNCIL

Approved as to Form and Legality

2020 JAN 15 AM 10:47

RESOLUTION No. 88046 C.M.S.

  
City Attorney

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

## RESOLUTION SUMMARILY VACATING A PORTION OF THE UTILITIES EASEMENT FOR THE FRUITVALE TRANSIT VILLAGE PHASE II-A PROJECT AT 3611 EAST 12<sup>TH</sup> STREET

**WHEREAS**, the City of Oakland ("Owner") is the owner of Parcel B and which is described in a Grant Deed, recorded April 28, 2017, series no. 2017095164, by the Alameda County Clerk-Recorder, and which is further identified by the Alameda County Assessor as parcel number 033-2177-021-02 ("Subject Property"); and

**WHEREAS**, the existing Utilities Easement on the Subject Property is located at 3611 East 12<sup>th</sup> Street and more particularly described in **Exhibit A** attached hereto; and

**WHEREAS**, the East Bay Asian Local Development Corporation (EBALDC) ("Developer") and the Oakland Department of Economic and Workforce Development entered into a long-term lease agreement; and

**WHEREAS**, the Developer completed the relocation of the storm drain when constructing the new building for the Fruitvale Transit Village Phase II-A on the Subject Property; and

**WHEREAS**, the Developer completed construction for PG&E service on the subject property and a PG&E Easement Deed for ten feet (10') in width was recorded February 26, 2018, series no. 2018039048, by Alameda County Clerk-Recorder; and

**WHEREAS**, the segment of the PG&E easement shall remain, is approximately twelve feet (12') in length within the public utilities easement, is identified on **Exhibit A**, Map attached hereto; and

**WHEREAS**, the Developer has filed an application (PPE1700056) with the City of Oakland, as required by the California Streets and Highway Code, and paid all fees as required by the Master Fee Schedule, requesting that the Council to formally summarily vacate a portion of the Utilities Easement no longer needed for public purposes; and

**WHEREAS**, the California Streets and Highways Code, sections 8333, the legislative body of a local agency may summarily vacate a public utilities easement that has been superseded by relocation and there are no other public facilities located within the easement that do not have a separately recorded dedicated easement deed; and

**WHEREAS**, pursuant to California Streets and Highways Code section 8330, the City Engineer has determined that said portion of the utilities easement proposed for vacation be summarily vacated by this Resolution; and

**WHEREAS**, in accordance with Government Code section 65402, the Planning Commission considered the proposed vacation and found it to be consistent with the General Plan; and

**WHEREAS**, in accordance with Streets and Highways Code section 8313, the City Council has considered the proposed vacation and finds that it conforms to the General Plan; and

**WHEREAS**, the Director of Transportation had determined that the proposed vacation of said utilities easement of the subject property is no longer necessary for any future public purpose; and be it

**RESOLVED:** That the City Council has reviewed all relevant documents relating to its grant of the utilities easement vacation that is the subject of this Resolution, and finds and determines the foregoing recitals to be true and correct and hereby makes them a part of this Resolution; and be it

**FURTHER RESOLVED:** That the Council of the City of Oakland finds and determines that the decision made hereby is made in conformance with the requirements of CEQA; and be it

**FURTHER RESOLVED:** That the summary vacation of the utilities easement, without valuable consideration to the City, as described and delineated in the attached **Exhibit A**; and be it

**FURTHER RESOLVED:** That this resolution shall take effect immediately upon the approval of the City Council and recordation of this Resolution with the Office of the Alameda County Recorder; 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 within three-hundred and sixty-five (365) consecutive days following approval of this Resolution by the Council of the City of Oakland; and be it

**FURTHER RESOLVED:** That the Director of Transportation is hereby directed to file a certified copy of this Resolution for recordation with the Office of the Alameda County Recorder as an encumbrance of the title of the property identified above.

IN COUNCIL, OAKLAND, CALIFORNIA, FEB 18, 2020

PASSED BY THE FOLLOWING VOTE:

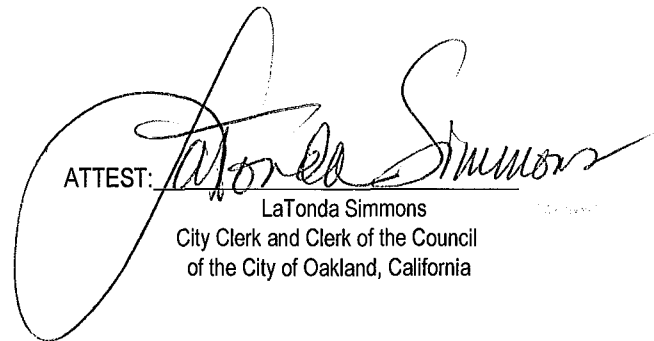
AYES – FORTUNATO BAS, GALLO, GIBSON MCELHANEY, KALB, REID, ~~WILLIAMS~~ THAO  
AND PRESIDENT KAPLAN - 7

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - 1 Taylor

ATTEST:   
LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California

**Exhibit A:** Legal Description and Map

**EXHIBIT A**  
Legal Description

**EXHIBIT "A"**

**LEGAL DESCRIPTION**

**UTILITIES EASEMENT ABANDONMENT  
OVER PARCEL B  
FRUITVALE TRANSIT VILLAGE II-A**

Real Property in the City of Oakland, County of Alameda, State of California, described as follows:

All that portion of Parcel B, as said parcel is described in the deed from and to the City of Oakland, a municipal corporation, recorded April 28, 2017 as Instrument No. 2017-095164, Alameda County Records, lying within the following described area:

Beginning at the western corner of said Parcel B; thence along the northwestern line of said parcel North 37° 06' 51" East, 162.01 feet to the northeastern line of former East 12<sup>th</sup> Street, previously Washington Street, as said Street is shown on the "Map of the Fruitvale Terminal Tract" filed December 7, 1895 in Book 15 of Maps, Page 41, Alameda County Records, now vacated by City Ordinance 12141, recorded August 20, 1999 as Instrument No. 99321345, Alameda County Records; thence along said line South 57° 52' 32" East, 199.65 feet to the northeastern line of said Parcel B, said line also being the southwestern line of East 12<sup>th</sup> Street, as it now exists; thence along said line South 31° 05' 27" East, 52.51 feet; thence southerly along the arc of a tangent curve to the right, having a radius of 20.00 feet, through a central angle of 63° 11' 20", a length of 22.06 feet to the northwestern line of 37<sup>th</sup> Avenue, formerly Merrill Street, as said Street is shown on said map; thence along said line South 32° 05' 53" West, 38.49 feet to the southwestern line of said vacated former East 12<sup>th</sup> Street; thence along said line North 57° 52' 32" West, 260.00 feet to the southeastern line of 36<sup>th</sup> Avenue, as shown on said map and vacated by said Ordinance; thence along said line South 32° 06' 09" West, 82.41 feet to the southwestern line of said parcel; thence along said line North 52° 53' 09" West, 11.69 feet to the Point of Beginning.

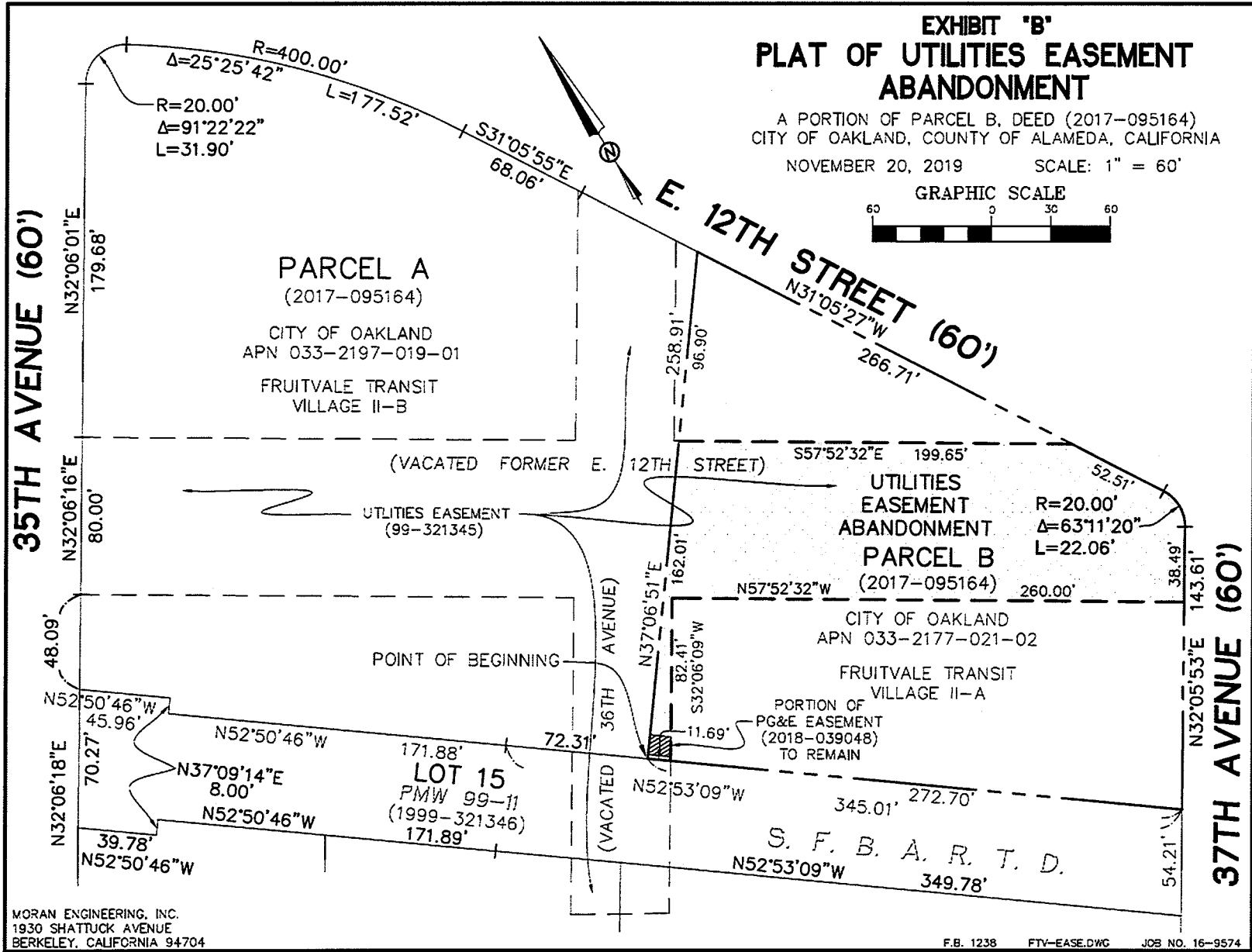
The above described area is shown on Exhibit "B", attached hereto and made a part hereof.

**EXHIBIT 'B'**  
**PLAT OF UTILITIES EASEMENT**  
**ABANDONMENT**

A PORTION OF PARCEL B, DEED (2017-095164)  
 CITY OF OAKLAND, COUNTY OF ALAMEDA, CALIFORNIA

NOVEMBER 20, 2019 SCALE: 1" = 60'

GRAPHIC SCALE



MORAN ENGINEERING, INC.  
 1930 SHATTUCK AVENUE  
 BERKELEY, CALIFORNIA 94704

F.B. 1238 FTV-EASE.DWG JOB NO. 16-9574

5

EXHIBIT A (continued)  
 Map