



# AGENDA REPORT

**TO:** Edward D. Reiskin  
City Administrator

**FROM:** Fred Kelley, Director,  
Oakland Department  
of Transportation

**SUBJECT:** Summarily Vacate Sewer Easement  
1017 Portal Avenue

**DATE:** September 2, 2022

City Administrator Approval

Date: Sep 27, 2022

## **RECOMMENDATION**

**Staff Recommends That The City Council Approve A Resolution Summarily Vacating An Unused Public Sewer Easement Located At 1017 Portal Avenue To The Property Owner, David Marshall Perkins, And Adopting Appropriate California Environmental Quality Act Findings.**

## **EXECUTIVE SUMMARY**

Approval of this proposed resolution will authorize the City Engineer to issue a vacation permit summarily vacating a portion of an existing unused sewer easement at 1017 Portal Avenue and authorize the City Engineer to file a certified copy of the resolution with the Alameda County Clerk-Recorder for recordation.

The portion of the sewer easement on the private property at 1017 Portal Avenue is no longer necessary for any future public purpose. Public sewer infrastructure serving the subject parcel has been built and verified to be in the public right of way on Portal Avenue.

## **BACKGROUND / LEGISLATIVE HISTORY**

There is an existing five-foot wide public sewer easement located on private property, parcel (APN 011-0877-028-01), which runs approximately 32.7 feet. The subject easement was dedicated for the purpose of reserving land for future sanitary sewer infrastructure to be installed to serve the subject parcel, however, said infrastructure has been installed in the dedicated portion of Public Right of Way known as Portal Avenue.

Said easement was dedicated through the subdivision map "Map of Crocker Oaks" filed November 09, 1913, in book 28 Page 37, Alameda County Records.

The sewer was ultimately constructed in the public right of way within Portal Avenue.

City Council  
October 04, 2022

The property owner, David Marshall Perkins, has filed an application (PPE2100054) for the City to vacate the easement to relieve the property of the easement burden.

### **ANALYSIS AND POLICY ALTERNATIVES**

The process for vacating public easements is prescribed by the California Streets and Highways Code (sections 8333 and 8334.5). The City Council may summarily vacate an easement by resolution if the easement has not been used for five (5) preceding years and there are no public utilities within the easement.

David Marshall Perkins, owner of real property known as 1017 Portal Avenue (APN 011-0877-028-01), has submitted an application (PPE 2100054) to the City Engineer of the City of Oakland to summarily vacate an unused public sewer easement which serves said parcel.

Said Owner does not have an application for building permits and has submitted the vacation application to relieve the subject property of the unused easement.

Consideration of the proposed sewer easement vacation will promote the Citywide priority of a responsive, trustworthy government. Throughout this process, staff have responded to and have been working with the property owner to present the vacation request to council.

The limits of the easement proposed for vacation are delineated diagrammatically and described textually in Exhibits B and C to the resolution.

### **FISCAL IMPACT**

Staff costs for processing the proposed summary vacation permit are covered by fees set by the Master Fee Schedule and have been paid by the Applicant.

### **PUBLIC OUTREACH / INTEREST**

No public outreach has been performed. The intent of the easement is to serve the subject property only.

### **COORDINATION**

The permit application was coordinated with Planning and Building Department, Budget Bureau, Economic and Workforce Development Department, and the Office of the City Attorney. The Office of the City Attorney has reviewed the resolution for form and legality, and the Controller's Bureau has reviewed this agenda report.

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**SUSTAINABLE OPPORTUNITIES**

***Economic*** – No significant economic impact has been identified.

***Environmental*** – No significant impact on the environment has been identified.

**Race and Equity** – No significant impact on Race and Equity has been identified.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT**

The summary vacation of the public utilities easements is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Title 14 California Code of Regulations Section 15305 as a minor alteration in land use limitations.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff Recommends That The City Council Approve A Resolution Summarily Vacating An Unused Public Sewer Easement Located At 1017 Portal Avenue To The Property Owner, David Marshall Perkins, And Adopting Appropriate California Environmental Quality Act Findings.

For questions regarding this report, please contact Ishrat Jahan, Engineering Design and Right-of-Way Supervisor at (510) 238-7116.

Respectfully submitted,

*Fred Kelley*

[Fred Kelley \(Sep 27, 2022 12:55 PDT\)](#)

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Fred Kelley, Director  
Department of Transportation

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Department of Transportation

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Department of Transportation