

2023 MAY 15 PM 6:23

FILED
OFFICE OF THE CITY CLERK
OAKLAND

APPROVED AS TO FORM AND LEGALITY


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. 89861 C.M.S.

RESOLUTION VACATING A PORTION OF THE UTILITIES EASEMENT FOR THE FRUITVALE TRANSIT VILLAGE PHASE II-B PROJECT AT 3511 EAST 12TH STREET AND MAKING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

WHEREAS, the City of Oakland (City) is the owner of Parcel A, which is described in a Grant Deed, recorded April 28, 2017, Series No. 2017109163, by the Alameda County Clerk-Recorder, and which is further identified by the Alameda County Assessor as parcel number 033-2197-019-01 (“Subject Property”); and

WHEREAS, there is an existing utilities easement on the Subject Property located at 3511 East 12th Street (“Utility Easement”) and more particularly described in attached **Exhibit A** (“Legal Description”) and **Exhibit B** (“Graphic Delineation”); and

WHEREAS, the BRIDGE Housing Corporation (“Developer”) and the City entered into a long-term lease agreement for the Developer to construct the Fruitvale Transit Village Phase II-B project; and

WHEREAS, in accordance with the lease agreement, the Developer completed the relocation of the storm drain when constructing the new building for the Fruitvale Transit Village Phase II-B on the Subject Property; and

WHEREAS, in accordance with the lease agreement, the Developer completed construction for Pacific Gas & Electric (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 Developer has filed an application (PPE2100051) with the City, as required by the California Streets and Highway Code, and paid all fees as required by the Master Fee Schedule, requesting that the City Council formally vacate a portion of the Utilities Easement no longer needed for public purposes; and

WHEREAS, under California Streets and Highways Code section 8324, the legislative body of a local agency may adopt a resolution granting the vacation of a public service easement after hearing evidence offered by interested persons and if the legislative body finds, from all the

evidence submitted, that the street, highway, or public service easement as described in the notice of hearing is unnecessary for present or prospective public use; and

WHEREAS, pursuant to California Streets and Highways Code section 8330, the City Engineer has determined that said portion of the utility’s easement proposed for vacation be 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 to be vacated is no longer necessary for any future public purpose; and

WHEREAS, Staff recommends the City Council find and determine that the vacation 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; now, therefore, 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

RESOLVED: That the City Council has reviewed all evidence offered by persons of interest by public hearing; and be it

FURTHER RESOLVED: That the City Council finds and determines that the vacation is categorically exempt from the requirements of CEQA pursuant to Title 14 California Code of Regulations Section 15305 as a minor alteration in land use limitations; and be it

FURTHER RESOLVED: That the vacation of the utility’s easement, is described and delineated in the attached **Exhibit A** and **Exhibit B**; 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 The City Council directs the City Administrator to file a Notice of Exemption; now, therefore, be it

FURTHER RESOLVED: That the City Clerk of the City of Oakland is hereby directed to file a certified copy of this resolution for recordation by the Alameda County Clerk-Recorder.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE: **JUL 18 2023**

AYES - FIFE, GALLO, JENKINS, KALB, KAPLAN, ~~REID~~ RAMACHANDRAN, AND
PRESIDENT FORTUNATO BAS **-7**

NOES **φ**

ABSENT **φ**

ABSTENTION **φ**

1 Excused - Reid

ATTEST: _____



ASHA REED

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

Exhibit A: Legal Description of the Public Right of Way Proposed for Vacation.

Exhibit B: Graphic Delineation of the Public Right of Way Proposed for Vacation.

EXHIBIT A

Legal Description of Public Right of Way Proposed for Vacation

**EXHIBIT "A"
LEGAL DESCRIPTION FOR
PUBLIC UTILITY EASEMENT ABANDONMENT
PARCEL A, FRUITVALE TRANSIT VILLAGE II-B**

ALL THAT CERTAIN REAL PROPERTY, SITUATE IN THE CITY OF OAKLAND, ALAMEDA COUNTY, STATE OF CALIFORNIA, BEING A PORTION OF PARCEL A, AS DESCRIBED IN THAT CERTAIN GRANT DEED FILED APRIL 28, 2017 AS DOCUMENT NUMBER 2017-095164, OFFICIAL RECORDS OF ALAMEDA COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHERLY CORNER OF SAID PARCEL A, THENCE ALONG THE SOUTHERLY LINE OF SAID PARCEL NORTH 52°53'09" WEST 38.49 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY OF 36TH AVENUE, 50 FEET IN WIDTH, 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 EASTERLY RIGHT OF WAY, NORTH 32°06'00" EAST 78.19 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY OF FORMERLY EAST 12TH STREET, 80 FEET IN WIDTH, PREVIOUSLY WASHINGTON STREET, AS SHOWN ON SAID MAP AND VACATED BY SAID ORDINANCE;

THENCE ALONG THE SOUTHERLY RIGHT OF WAY OF 12TH STREET, NORTH 57°53'44" WEST 249.98 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY OF 35TH AVENUE MAP;

THENCE ALONG THE EASTERLY RIGHT OF WAY OF SAID AVENUE, NORTH 32°06'16" EAST 80.00 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY OF FORMERLY EAST 12TH STREET;

THENCE ALONG SAID NORTHERLY RIGHT OF WAY, SOUTH 57°53'44" EAST 249.98 TO A POINT ON THE WESTERLY RIGHT OF WAY OF SAID 36TH AVENUE;

THENCE ALONG SAID WESTERLY RIGHT OF WAY NORTH 32°06'00" EAST 127.17 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY OF EAST 12TH STREET AS IT NOW EXISTS, 60 FEET IN WIDTH;

THENCE ALONG THE SOUTHERLY RIGHT OF WAY OF SAID STREET SOUTH 31°05'55" EAST 2.27 FEET;

THENCE ALONG SAID RIGHT OF WAY SOUTH 31°05'27" EAST 53.75 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY OF SAID 36TH AVENUE;

THENCE ALONG SAID RIGHT OF WAY, SOUTH 32°06'00" WEST 101.91 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY OF SAID FORMERLY EAST 12TH STREET;

THENCE ALONG SAID RIGHT OF WAY SOUTH 57°53'44" EAST 2.51 FEET TO A POINT ON THE EASTERLY LINE OF SAID PARCEL A;

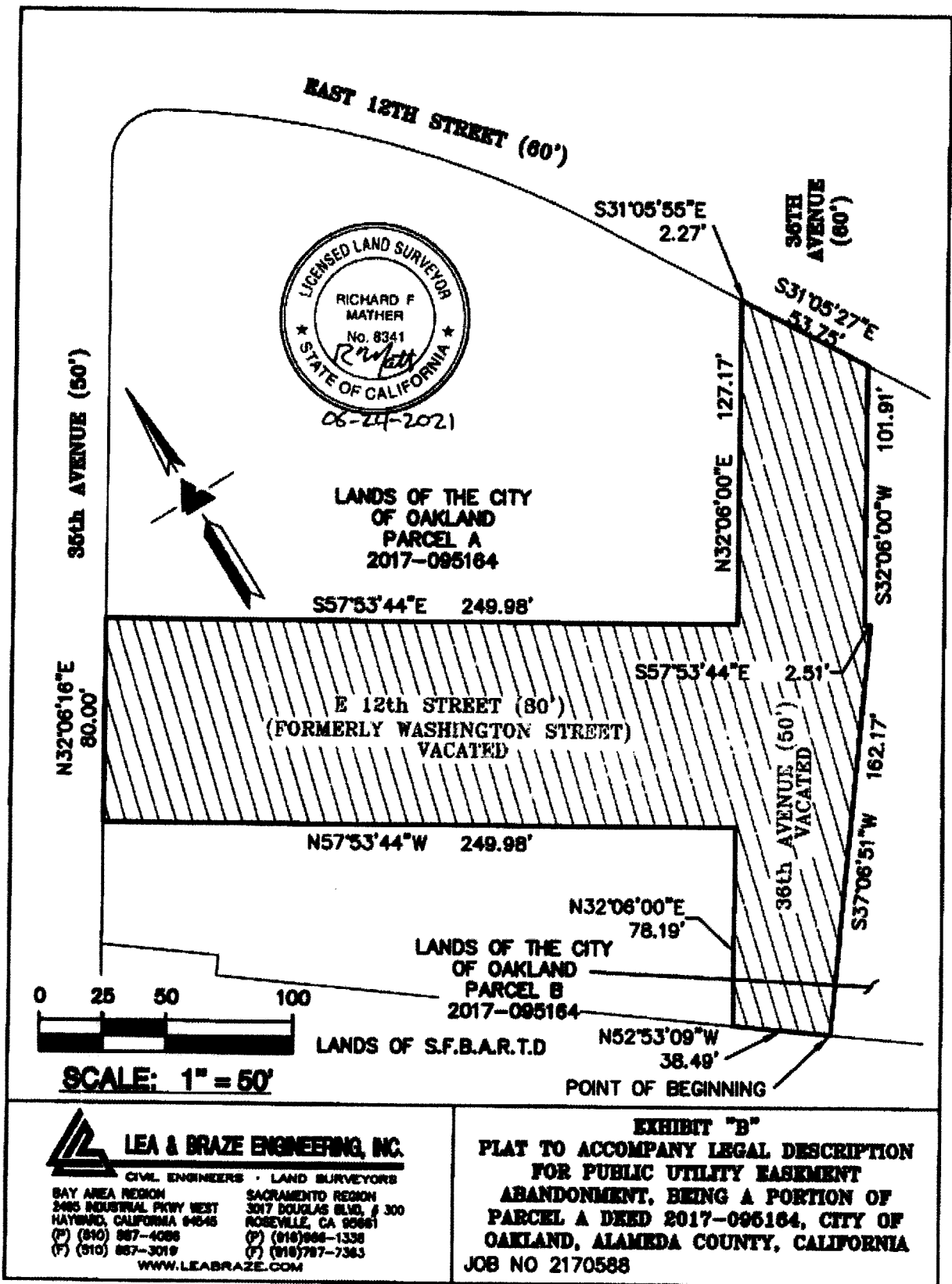
THENCE ALONG THE EASTERLY LINE OF SAID PARCEL, SOUTH 37°06'51" WEST 162.17 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIPTION IS SHOWN ON EXHIBIT "B" AND BY REFERENCE MADE A PART HEREOF.



EXHIBIT B

Graphic Delineation of the Public Right of Way Proposed for Vacation



LEA & BRAZE ENGINEERING, INC.
 CIVIL ENGINEERS • LAND SURVEYORS

BAY AREA REGION
 2485 INDUSTRIAL PKWY WEST
 HAYWARD, CALIFORNIA 94545
 (P) (510) 887-4086
 (F) (510) 887-3019
 WWW.LEABRAZE.COM

SACRAMENTO REGION
 3017 DOUGLAS BLVD, # 300
 ROSEVILLE, CA 95661
 (P) (916) 866-1338
 (F) (916) 787-7363

EXHIBIT "B"
**PLAT TO ACCOMPANY LEGAL DESCRIPTION
 FOR PUBLIC UTILITY EASEMENT
 ABANDONMENT, BEING A PORTION OF
 PARCEL A DEED 2017-095164, CITY OF
 OAKLAND, ALAMEDA COUNTY, CALIFORNIA**
 JOB NO 2170588