

**CITY OF OAKLAND  
COUNCIL AGENDA REPORT**

FILED  
OFFICE OF THE CITY CLERK  
2003 NOV 25 PM 5:23

**TO:** Office of the City Manager  
**ATTN:** Deborah Edgerly  
**FROM:** Community and Economic Development Agency  
**DATE:** December 9, 2003

**RE:** ORDINANCE FOR THE SUMMARY VACATION OF A FIVE FOOT WIDE  
SANITARY SEWER EASEMENT LOCATED ON 711 WALKER AVENUE  
(APN 011-0836-018-00) AND 717 WALKER AVENUE (APN 011-0836-017-00)

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**SUMMARY**

An ordinance has been prepared to summarily vacate a five foot wide sanitary sewer easement located on the property commonly known as 711 and 717 Walker Avenue (APN 011-0836-018-00 and APN 011-0836-017-00).

**FISCAL IMPACT**

There is no fiscal impact.

**BACKGROUND**

The easement was dedicated to the City of Oakland in 1916 for the purpose of constructing, maintaining, re-constructing, repairing and operating a public sanitary sewer main. The easement is currently not and never has been, used for the purpose for which it was dedicated. Public sewer lines exist on Grand Avenue and Walker Avenue which provide for present and future sanitary sewer service for the area. Therefore, there is no future need for the sanitary sewer easement.

In accordance with Chapter 4 (Summary Vacation), Part 3 of Division 9, Section 83333(a) of the Streets and Highways Code, since the easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding a proposed vacation, the City may summarily vacate the sanitary sewer (public service) easement.

The owner of the parcels is proposing to develop a residential complex in which the footprint of the building will be on the sanitary sewer easement.

All affected City departments have approved the proposed abandonment.

The requirements of the California Environmental Quality Act (CEQA) of 1970, the guidelines as prescribed by the Secretary of Resources, and the Provisions of the Statement of Objectives, Criteria and Procedures for Implementation of the CEQA: City of Oakland, have been satisfied, and that in accordance with the provisions of the California Environmental Quality Act, this project has already received clearance in the Environmental Impact Report No. ER01-0024.

Item Number 6  
Community & Economic  
Development Committee  
December 9, 2003

### **SUSTAINABLE OPPORTUNITIES**

Economic: The project will offer employment opportunities to Oakland residents and the larger building footprint over the easement will provide additional rentable or saleable living space.

Environmental: Providing additional rentable or saleable living space in a close-in urban location will reduce pollution that otherwise would be created by commuting. Additional population will improve the economic situation of the urban Grand Lake neighborhood.

### **DISABILITY AND SENIOR CITIZEN ACCESS**

This project is required to meet all State of California requirements for access

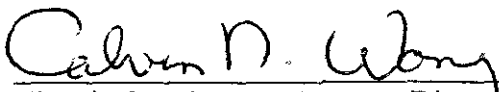
### **RECOMMENDATION AND RATIONALE**

Staff recommends approval of the resolution

### **ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends approval of the resolution.

Respectfully submitted,

  
for Claudia Cappio, Development Director,  
Community and Economic Development  
Agency

Prepared by: Calvin N. Wong  
Director of Building Services

APPROVED AND FORWARDED TO THE  
COMMUNITY AND ECONOMIC  
DEVELOPMENT COMMITTEE

  
OFFICE OF THE CITY MANAGER

Item Number 6  
Community & Economic  
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December 9, 2003

*Mark E. ...*  
CITY ATTORNEY

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

**AN ORDINANCE SUMMARILY VACATING A FIVE-FOOT  
WIDE SEWER EASEMENT LOCATED ON  
711 WALKER AVENUE (APN 011-0836-018-00) AND  
717 WALKER AVENUE (APN 011-0836-017-00)**

WHEREAS, a certain public five-foot wide sewer easement situated northwesterly of Walker Avenue was granted to the City of Oakland by Grant of Easement on the 19<sup>th</sup> day of July, 1916, and recorded on the 24<sup>th</sup> day of July, 1916, O.R. 2470/193, in the Office of the Recorder, Alameda County, California, for the purposes of constructing, maintaining, re-constructing or repairing a public sewer or sewers; and

WHEREAS, said sewer easement is delineated and depicted in Exhibit "A" attached hereto and made a part hereof and is more particularly described as follows:

Sewer easement 5.00 feet wide situated in the City of Oakland, County of Alameda, State of California is described as follows:

The northwesterly 5 feet of lots 23 and 24 as said lots are shown on that certain map entitled "Map of Piedmont by the Lake Oakland, California November 1906" filed November 14<sup>th</sup>, 1906, in the Office of the Recorder, Alameda County, State of California.

WHEREAS, said sewer easement was never utilized for the purpose for which it was created and is not needed for future use; and

WHEREAS, said abandonment complies with Chapter 4 (Summary Vacation), Part 3 of Division 9, Section 8333(a) of the Streets and Highways Code; and

WHEREAS, the requirements of the California Environmental Quality Act (CEQA) of 1970, the guidelines as prescribed by the Secretary for Resources, and the provisions of the Statement of Objectives, Criteria and Procedures for implementation of the California Environmental Quality Act: City of Oakland, as amended, have been satisfied, and that in accordance with Section 15303 of the California Code of Regulations this project is exempt from the provisions of the California Environmental Quality Act; now, therefore,

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**COMMUNITY & ECONOMIC  
DEVELOPMENT CMTE**

**DEC 9 2003**

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

- Section 1. This ordinance complies with the requirements of the California Environmental Quality Act.
- Section 2. This Council hereby orders the abandonment of the hereinabove described sewer easement.
- Section 3. The City Clerk and Clerk of this Council is hereby directed to have a certified copy of this ordinance recorded in the Office of the Recorder of Alameda County, California, immediately upon its final passage.
- Section 4. That from and after the date this Ordinance is recorded, the sewer easement abandoned hereby shall no longer constitute a public sewer easement.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2003

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, BRUNNER, CHAN, CHANG, NADEL, REID, WAN 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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**COMMUNITY & ECONOMIC  
DEVELOPMENT CMTE**

**DEC 9 2003**

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**AN ORDINANCE SUMMARILY VACATING A FIVE-FOOT  
WIDE SEWER EASEMENT LOCATED ON 711 WALKER AVENUE (APN 011-  
0836-018-00) AND 717 WALKER AVENUE (APN 011-0836-017-00)**

**NOTICE AND DIGEST**

The City Council by this ordinance finds that a five-foot wide reserve easement situated northwesterly of Walker Avenue, granted to the City of Oakland by Grant of Easement for the purpose of constructing, maintaining, re-constructing or repairing a public sewer, is unnecessary for the present or the future use for which it was dedicated and orders its abandonment.

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**COMMUNITY & ECONOMIC  
DEVELOPMENT CMTE**

**DEC 9 2003**

EXHIBIT 'A'

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Walker

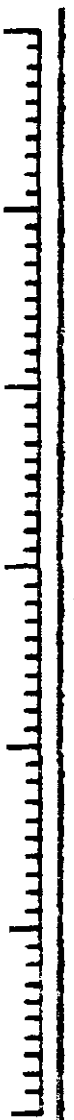
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Wickson Ave.

SEWER EASEMENT  
TO BE ABANDONED

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Cherney Ave.



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