

FILED
OFFICE OF THE CITY CLERK
Introduced by AKLAND

2009 APR 16 PM 12:59
Councilmember

Approved for Form and Legality


City Attorney

OAKLAND CITY COUNCIL

Ordinance No. 12941 - C.M.S.

AN ORDINANCE VACATING THE PUBLIC RIGHT-OF-WAY OF SKYLINE CIRCLE TO THE ABUTTING PROPERTY OWNERS WITHOUT COST AND RESERVING PUBLIC SERVICE EASEMENTS

WHEREAS, pursuant to California Streets and Highways Code Section 8320 et seq., a public meeting was held in the Chamber of the Council of the City of Oakland, on the Third Floor of City Hall, at One Frank H. Ogawa Plaza, in Oakland, California, on May 5, 2009, beginning at 7:01 p.m. local time to adopt findings for a proposed ordinance vacating the public right-of-way to the owners of the forty-five (45) developed lots abutting Skyline Circle; and

WHEREAS, said meeting also set a hearing beginning at 7:02 p.m. local time in the Chamber of the Council of the City of Oakland, on the Third Floor of City Hall, at One Frank H. Ogawa Plaza, in Oakland, California, on May 5, 2009, to receive supporting evidence and public testimony on said proposed ordinance vacating the full width and length of Skyline Circle and reserving public service easements; and

WHEREAS, the owners of said forty-five (45) lots acquired title individually to said properties for valuable consideration through the following grant deeds:

LOT No.	PARCEL No.	ADDRESS	SERIES No.	RECORDED
1	043A-4761-001-00	8201	2007-034561	01-22-2007
2	043A-4761-002-00	8205	2007-283607	07-31-2007
3	043A-4761-003-00	8209	2002-325487	07-31-2002
4	043A-4761-004-00	8211	2006-369942	09-29-2006
5	043A-4761-005-00	8215	2007-001351	01-02-2007
6	043A-4761-006-00	8219	2003-040360	01-23-2003
7	043A-4761-007-00	8221	2006-208506	05-26-2006
8	043A-4761-008-00	8223	2003-554564	09-18-2003
9	043A-4761-009-00	8227	2005-537832	12-19-2005
10	043A-4761-010-00	8231	2007-240126	06-28-2007
11	043A-4761-011-00	8233	2004-133593	03-30-2004
12	043A-4761-012-00	8237	2006-440511	11-30-2006

LOT No.	PARCEL No.	ADDRESS	SERIES No.	RECORDED
13	043A-4761-013-00	8239	2003-477862	08-14-2003
14	043A-4761-014-00	8241	2005-287502	07-11-2005
15	043A-4761-015-00	8245	2008-090324	03-12-2008
16	043A-4761-016-00	8247	2007-125382	03-30-2007
17	043A-4761-017-00	8249	2009-056769	02-24-2009
18	043A-4761-018-00	8253	2004-450870	10-05-2004
19	043A-4761-019-00	8255	2008-300168	10-15-2008
20	043A-4761-020-00	8257	2007-144839	04-17-2007
21	043A-4761-021-00	8259	1999-320152	08-20-1999
22	043A-4761-022-00	8261	2002-124625	03-20-2002
23	043A-4761-023-00	8263	1999-082033	02-26-1999
24	043A-4761-024-00	8265	2007-358202	10-12-2007
25	043A-4761-025-00	8267	2007-227821	07-25-2007
26	043A-4761-026-00	8271	98-021453	01-22-1998
27	043A-4761-027-00	8273	2007-194878	05-22-2007
28	043A-4761-028-00	8275	2002-533525	11-15-2002
29	043A-4761-029-00	8277	2006-052993	02-10-2006
30	043A-4761-030-00	8281	99-262263	07-16-1999
31	043A-4761-031-00	8285	2009-002160	01-06-2009
32	043A-4761-032-00	8289	2002-489382	10-29-2002
33	043A-4761-033-00	8293	2004-433477	09-24-2004
34	043A-4761-034-00	8295	2008-185641	06-11-2008
35	043A-4761-035-00	8288	2007-294891	08-09-2007
36	043A-4761-036-00	8282	99-342432	09-07-1999
37	043A-4761-037-00	8278	2004-398567	09-02-2004
38	043A-4761-038-00	8268	2004-347147	07-29-2004
39	043A-4761-039-00	8260	2004-205163	05-10-2004
40	043A-4761-040-00	8252	2004-104691	03-11-2004
41	043A-4761-041-00	8248	99-227976	06-18-1999
42	043A-4761-042-00	8246	2002-350248	08-13-2002
43	043A-4761-043-00	8240	2004-565381	12-23-2004
44	043A-4761-044-00	8230	2005-263906	06-28-2005
45	043A-4761-045-00	8290	97-143364	06-11-1997

as recorded by the Alameda County Clerk-Recorder; and

WHEREAS, pursuant to the California Streets and Highways Code, California Government Code, and California Public Resources Code, the Council of the City of Oakland has previously made the following statutory determinations by Resolution:

- the Council of the City of Oakland may adopt terms of performance by the adjoining property owner that condition the vacation; and
- that the proposed vacation conforms with the City of Oakland's adopted General Plan; and
- that the statutory requirements for properly noticing the public through conspicuous site posting and newspaper publication of the location and extent of the proposed vacation and the public hearing to receive supporting evidence and public comments were completed,; and
- that said property owners of the forty-five (45) lots abutting Skyline Circle own the underlying fee interest in the public right-of-way proposed to be vacated; and
- the proposed vacation is categorically exempted from the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 (existing facilities); and
- the proposed vacation requires reservation of public service easement for existing or future utilities owned and maintained either by companies regulated by the California Public Utilities Commission or by the City of Oakland or by the East Bay Municipal Utility; and
- the proposed vacation requires reservation of public service easement for emergency vehicle access; and
- the proposed vacation does not limit public use or impede public access for non-motorized transportation; and
- the proposed vacation will not increase traffic and pedestrian inconvenience nor decrease traffic and pedestrian safety; and be it
- the proposed vacation will benefit the public and the citizens of Oakland fiscally by decreasing the cost of police services for nuisance and criminal activities and increasing the revenue derived from the general levy of property taxes; and be it

WHEREAS, the metes and bounds establishing the length and width of Skyline Circle proposed for vacation is delineated on the Final Map for Tract No. 6249 and on the Amended Final Map for Tract No. 6249, recorded March 29, 2001, series no. 2001-107696, in book 257 of maps, on pages 39 and 40, inclusive, by the Alameda County Clerk-Recorder, which was adopted by the Council of the City of Oakland on December 5, 2000 in Resolution No. 77165 C.M.S, as shown on *Exhibits A1* and *A2* attached hereto; and

WHEREAS, pursuant to California Streets and Highways Code Section 8324, the Council of the City of Oakland may apply conditions for the vacation of public right-of-way and may instruct the City Clerk not to record a vacation until the conditions have been satisfied; now, therefore,

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

1. The vacation of the public right-of-way of Skyline Circle, as delineated in the attached *Exhibits A1* and *A2*, without cost to the abutting property owners is hereby ordered; and
2. this order of vacation shall except, exempt, and reserve a public service easement across the full length and width of the vacated right-of-way for the benefit of companies regulated by the California Public Utilities Commission and the City of Oakland and the East Bay Municipal Utility District to access, maintain, operate, replace, remove, or renew subsurface utilities and necessary appurtenances, which include, but are not limited to, potable water piping, natural gas piping, fuel oil piping, and electrical and communications cabling; and
3. this order of vacation shall also except, exempt, and reserve a public service easement across the full length and width of the vacated right-of-way for access by emergency vehicles; and
4. said property owners, at their sole option and expense, may prepare documents, exhibits, and maps memorializing their individual and collective right to access their lots across said public easements, and upon approval by the City Engineer of the City of Oakland for technical sufficiency and the City Attorney of the City of Oakland for legal sufficiency, may file said documentation for recordation by the Alameda County Clerk-Recorder; and
5. access to the vacated right-of-way by the general public may be controlled by said property owners, subject to the approval by the Building Official, City Engineer, Fire Chief, and Police Chief of the City of Oakland and their successors in title and to the issuance and final inspection approvals of required permits; and
6. pursuant to California Streets and Highways Code Section 8336, this order of vacation shall not be complete unless and until this Ordinance has been filed with and recorded by the Alameda County Clerk-Recorder; and
7. pursuant to Resolution No. 73654 C.M.S., said abutting property owners shall remain responsible in perpetuity for the installation, maintenance, repair, and removal of all infrastructure improvements located within the vacated public right-of-way, including but not limited to roadway pavement, sidewalks, curbs, gutters, trees and landscaping, irrigation, street lighting, sanitary sewer piping, and storm water piping, but excepting from said responsibility infrastructure improvements that are otherwise regulated by California Public Utilities Commission; and
8. the hereinabove conditions shall equally bind said property owners and their representatives, heirs, beneficiaries, successors in interest, and assigns and the successive owners of said properties; and
9. should any article, section, subsection, sentence, clause, or phrase of this ordinance or exhibit be held to be invalid or unconstitutional, the offending portion shall be severed and shall not affect the validity of remaining portions which shall remain in full force and effect; and

10. this ordinance is enacted by the Council of the City of Oakland pursuant to the police powers accorded to the City by and through section 106 of the Charter of the City of Oakland and Article XI of the Constitution of the State of California; and
11. upon final adoption or approval of a reconsideration by sufficient votes of the Council of the City of Oakland, this ordinance shall be effective on and after the day established in section 216 of the Charter of the City of Oakland.

IN COUNCIL, OAKLAND, CALIFORNIA, JUN 16 2009, 2009

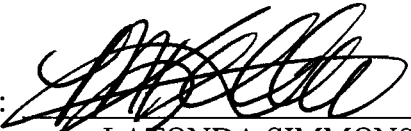
PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and
~~PRESIDENT BRUNNER~~ - 7

NOES - Brunner - 1

ABSENT - 0

ABSTENTION - 0

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

Introduction Date: JUN 2 2009

DATE OF ATTESTATION 6/22/09

EXHIBIT A1

Proposed Vacation Of The Public Right-Of-Way Of Skyline Circle Without Cost To The Abutting Property Owners And Reservation Of Public Service Easements

Tract 6249

Map BK 222

PP 85-88

TRACT 6249

CITY OF OAKLAND
ALAMEDA COUNTY, CALIFORNIA

A RECONSTRUCTION OF THE SECTION OF THE UNINCORPORATED AREA BEING AS DESCRIBED IN THE DEED RECORDED OCTOBER 7, 1971 IN BOOK 81 OF DEEDS AT PAGE 488 OF ALAMEDA COUNTY RECORDS.

Brian Kanga Houk

CONSULTING ENGINEERS - PLANNERS - SURVEYORS
REDWOOD CITY, CALIFORNIA
JULY 1985

STATEMENT OF THE SECRETARY OF THE PLANNING COMMISSION
I, CHARLES S. BRYANT, SECRETARY OF THE CITY PLANNING COMMISSION OF THE CITY OF OAKLAND, STATE OF CALIFORNIA, DO HEREBY CERTIFY THAT THE ALAMEDA COUNTY, CALIFORNIA, WAS PRESENTED TO THE CITY PLANNING COMMISSION AS PROVIDED BY SUBDIVISION MAP ACT AT A REGULARLY CALLED MEETING OF SAID COMMISSION APPROVED SAID TENTATIVE MAP UPON WHICH THIS MAP IS BASED AND THAT ON APPEAL, THE CITY COUNCIL APPROVED SAID TENTATIVE MAP BY A REGULARLY SCHEDULED MEETING ON THE 17TH DAY OF DECEMBER, 1985.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS 22ND DAY OF JANUARY, 1986

Charles S. Bryant
CHARLES S. BRYANT
SECRETARY OF THE CITY PLANNING COMMISSION OF THE CITY OF OAKLAND, STATE OF CALIFORNIA

RECORDERS STATEMENT

FILED THIS 22ND DAY OF JANUARY 1986 AT 11:38 AM IN BOOK 85-88 PAGE 153 AT THE REQUEST OF BRYAN KANGA HOUK, CONSULTING ENGINEERS - PLANNERS - SURVEYORS OF CALIFORNIA. Fee: P.L. \$145

Patricia O'Donnell
PATRICIA O'DONNELL
DEPUTY COUNTY RECORDER

PATRICIA O'DONNELL, COUNTY RECORDER OF ALAMEDA COUNTY OF CALIFORNIA



SHEET 1 OF 4

Map BK 222

CERTIFICATE OF THE CLERK OF THE BOARD OF SUPERVISORS
I, CHARLES S. BRYANT, ACTING CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, HEREBY CERTIFY, AS CHECKED BELOW THAT:

AN APPROVED MAP HAS BEEN FILED WITH THE BOARD OF SUPERVISORS OF SAID COUNTY AND THAT THE MAP IS CORRECT AND COMPLETE AND THAT THE ASSESSMENTS COLLECTED AS TAXES WHICH ARE NOW A LIEU AGAINST SAID MAP ARE CORRECT AND COMPLETE AND THAT THE MAP WAS APPROVED BY SAID LOCAL BOARD IN SAID MEETING.

ALL TAXES AND SPECIAL ASSESSMENTS COLLECTED AS TAXES HAVE BEEN PAID AS CERTIFIED BY THE TREASURER-TAX COLLECTOR OF THE COUNTY OF ALAMEDA.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS 22ND DAY OF JANUARY, 1986.

Charles S. Bryant
CHARLES S. BRYANT, ACTING CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA, CALIFORNIA
DEPUTY CLERK

SURVEYOR'S STATEMENT

I, BILLY MARTIN, HEREBY CERTIFY THAT THIS FINAL MAP WAS PREPARED BY ME UNDER MY DIRECTION, AND WAS BASED UPON A TRUE AND COMPLETE SURVEY OF THE LANDS SHOWN THEREON AND THAT THE MAP IS CORRECT AND COMPLETE IN CHARACTER AS SHOWN HEREON AND OCCUPY THE POSITIONS INDICATED OR WILL BE INDICATED ON THE MAP AND THAT THE MAP IS CORRECT AND COMPLETE IN CHARACTER AND SAID DOCUMENTS WILL BE SUFFICIENT TO ENABLE THE SURVEY TO BE REPRODUCED.

DATED: Jan 22, 1986



Billy Martin
BILLY MARTIN
SURVEYOR
EXPIRES 8-30-1988

SUBDIVIDER

KANGA HOUK AND BOARD
3140 CROSI CANYON PLACE, SUITE 300
SAN RAMON, CA

OWNER'S STATEMENT

I, ALVIN B. MILLER, HEREBY REFERRED TO AS "OWNER", DOGS HEREBY STATE THAT HE IS THE OWNER OF ALL THE LANDS DESCRIBED AND SHOWN ON THE EXTENSION MAP SHOWN UPON THE HEREIN ALAMEDA COUNTY, CALIFORNIA, AND CONSISTING OF FOUR SHEETS, THIS SAID LAND BEING PART OF THE GRANT RECORDED OCTOBER 7, 1971 UNDER RECORDS SERIES NUMBER 82-2068, AND THE EXTENSION MAP SHOWN UPON THE HEREIN ALAMEDA COUNTY, CALIFORNIA, THAT HE HAS CAUSED TO BE MADE TO SAID MAP, THAT SAID MAP PARTICULARLY SET FORTH AND DESCRIBES ALL THE DITS INTENDED TO BE MADE BY THE OWNER WITHIN AND BETWEEN THE BOUNDARIES OF SAID MAP AND THE BOUNDARIES OF SAID MAP, AND THAT SAID MAP IS CORRECT AND COMPLETE AND THAT THE ASSESSMENTS COLLECTED AS TAXES WHICH ARE NOW A LIEU AGAINST SAID MAP ARE CORRECT AND COMPLETE AND THAT THE MAP WAS APPROVED BY SAID LOCAL BOARD IN SAID MEETING.

I DO HEREBY OFFER FOR DEDICATION TO THE CITY OF OAKLAND THE AREA SHOWN AND DESIGNATED HEREON AS "SKYLINE CIRCLE" FOR THE USES AND PURPOSES OF A PUBLIC STREET.

I DO HEREBY OFFER FOR DEDICATION TO THE CITY OF OAKLAND THE AREA SHOWN AND DESIGNATED HEREON AS "WIDE DRIVEWAY" WHICH ACCESS EASEMENT FOR ACCESS FOR EMERGENCY VEHICLES.

I DO HEREBY OFFER FOR DEDICATION TO THE CITY OF OAKLAND THE AREA SHOWN AND DESIGNATED HEREON AS "5' ROY" (RESERVED) AND "10' ROY" FOR PUBLIC STORM DRAIN AND SANITARY SEWER FACILITIES AND APPURTENANCES UNDER, ON AND OVER THESE AREAS.

I DO HEREBY RESERVE, THE AREAS SHOWN AND DESIGNATED HEREON AS "STORM DRAIN" AND "STORM DRAIN" AND THE VACATION IN ITS PRESENT NATURAL CONDITION.

I DO HEREBY RESERVE A PRIVATE STORM DRAIN EASEMENT DESIGNATED AND SHOWN ON THE HEREIN MAP FOR THE USE AND ENJOYMENT OF SAID MAP, INCLUDING THE RIGHT TO CONSTRUCT, MAINTAIN, AND REPAIR A PRIVATE STORM DRAIN LINE.

BY: *Alvin B. Miller*
ALVIN B. MILLER

ADDRESS
#4 BRIDLE LAKE
MIDDLETOWN, CA

OWNER'S ACKNOWLEDGMENT

STATE OF California
COUNTY OF Alameda

ON December 21, 1985, before me, *Patricia O'Donnell*, appeared Alvin B. Miller, PERSONALLY KNOWN TO ME (OR PERSONS) WHOSE NAME IS AFFIXED TO SAID INSTRUMENT TO BE THE SIGNATURE OF SAID PERSON(S) AND WHOSE NAME IS AFFIXED TO SAID INSTRUMENT TO BE THE SIGNATURE OF SAID PERSON(S) AND WHOSE NAME IS AFFIXED TO SAID INSTRUMENT TO BE THE SIGNATURE OF SAID PERSON(S) ACTED, EXECUTED THE INSTRUMENT.

WITNESSES MY HAND AND OFFICIAL SEAL:

SIGNATURE: *Patricia O'Donnell*
PATRICIA O'DONNELL
COUNTY RECORDER

MY COMMISSION EXPIRES: October 9, 1991

JOB NO. 950084-20 FB 288/1



EXHIBIT A1

Proposed Vacation Of The Public Right-Of-Way Of Skyline Circle Without Cost To The Abutting Property Owners And Reservation Of Public Service Easements

Tract 6249 Map Blk 222 PG 87

TRACT 6249

CITY OF OAKLAND
ALAMEDA COUNTY, CALIFORNIA
BEING A RESUBDIVISION OF A PORTION OF THE LANDS OF RAFAEL MARTINEZ,
AS SHOWN IN MAP 100,000, ALAMEDA COUNTY RECORDS, 1911, IN BOOK
55 OF RECORDS AT PAGE 418 OF ALAMEDA COUNTY RECORDS.

Brian Kangas Fouk

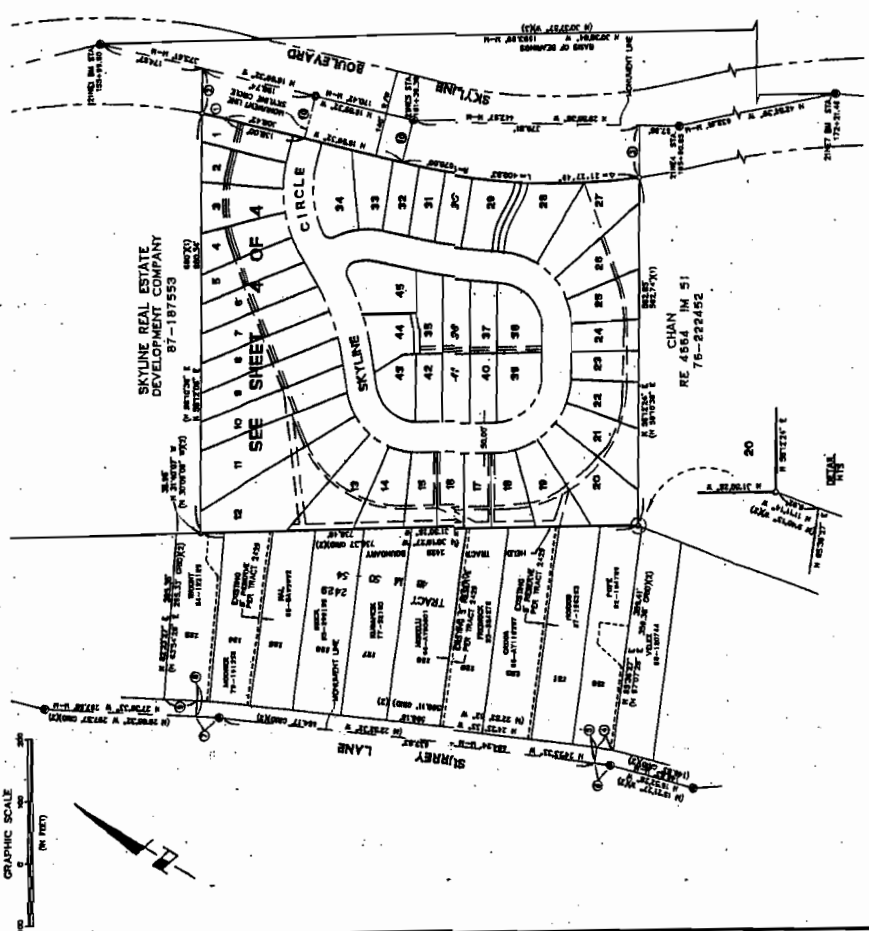
CONSULTING ENGINEER, PLANNERS & SURVEYORS
REDWOOD CITY, CALIFORNIA JULY 1995
SCALE: 1" = 100'

NOTES
DISTANCES SHOWN ON THIS MAP ARE GROUND DISTANCES.
BASIS OF BEARINGS
THE CALCULATED BEARING BETWEEN TWO FOUND MONUMENTS
OR MONUMENT AND A POINT OF BEGINNING IS TAKEN AS THE
BASELINE, AS SHOWN IN THE CITY OF OAKLAND FIELD
NOTES (TRANSIT BOOK 114, PAGES 11-52), WAS TAKEN AS
NOTED ON PAGE 54 OF SAID BOOK.

RECORD INFORMATION
(1) DOCUMENT NO. 12 - 330988, ALAMEDA COUNTY RECORDS,
(2) CITY OF OAKLAND DISTANCES, MAPS, 36-54, TO
OAKLAND FIELD NOTES, MAPS, 100,000,
(3) CITY OF OAKLAND FIELD NOTES TRANSIT BOOK 114,
PAGES 11-52.

LEGEND
--- TRACT 6249 BOUNDARY
--- MONUMENT LINE
--- EASEMENT OR RESERVE
● FOUND CITY STREET MONUMENT
○ SET CITY STREET MONUMENT
○ SET 1" IRON NAIL TAGGED PLUS STYPT
--- MONUMENT TO MONUMENT
--- RIGHT OF WAY
--- 1" IRON NAIL TAGGED PLUS STYPT
(1) TOTAL

NO.	DELTA/BEARING	LENGTH/DISTANCE	NUMBER	REMARKS	RECORD BOOK NO.	LENGTH/DISTANCE
1	117°00'00" E	100.00	1	MONUMENT TO MONUMENT		
2	117°00'00" E	100.00	2	MONUMENT TO MONUMENT		
3	117°00'00" E	100.00	3	MONUMENT TO MONUMENT		
4	117°00'00" E	100.00	4	MONUMENT TO MONUMENT		
5	117°00'00" E	100.00	5	MONUMENT TO MONUMENT		
6	117°00'00" E	100.00	6	MONUMENT TO MONUMENT		
7	117°00'00" E	100.00	7	MONUMENT TO MONUMENT		
8	117°00'00" E	100.00	8	MONUMENT TO MONUMENT		
9	117°00'00" E	100.00	9	MONUMENT TO MONUMENT		
10	117°00'00" E	100.00	10	MONUMENT TO MONUMENT		
11	117°00'00" E	100.00	11	MONUMENT TO MONUMENT		
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13	117°00'00" E	100.00	13	MONUMENT TO MONUMENT		
14	117°00'00" E	100.00	14	MONUMENT TO MONUMENT		
15	117°00'00" E	100.00	15	MONUMENT TO MONUMENT		
16	117°00'00" E	100.00	16	MONUMENT TO MONUMENT		
17	117°00'00" E	100.00	17	MONUMENT TO MONUMENT		
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26	117°00'00" E	100.00	26	MONUMENT TO MONUMENT		
27	117°00'00" E	100.00	27	MONUMENT TO MONUMENT		
28	117°00'00" E	100.00	28	MONUMENT TO MONUMENT		
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56	117°00'00" E	100.00	56	MONUMENT TO MONUMENT		
57	117°00'00" E	100.00	57	MONUMENT TO MONUMENT		
58	117°00'00" E	100.00	58	MONUMENT TO MONUMENT		
59	117°00'00" E	100.00	59	MONUMENT TO MONUMENT		
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61	117°00'00" E	100.00	61	MONUMENT TO MONUMENT		
62	117°00'00" E	100.00	62	MONUMENT TO MONUMENT		
63	117°00'00" E	100.00	63	MONUMENT TO MONUMENT		
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69	117°00'00" E	100.00	69	MONUMENT TO MONUMENT		
70	117°00'00" E	100.00	70	MONUMENT TO MONUMENT		
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72	117°00'00" E	100.00	72	MONUMENT TO MONUMENT		
73	117°00'00" E	100.00	73	MONUMENT TO MONUMENT		
74	117°00'00" E	100.00	74	MONUMENT TO MONUMENT		
75	117°00'00" E	100.00	75	MONUMENT TO MONUMENT		
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78	117°00'00" E	100.00	78	MONUMENT TO MONUMENT		
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85	117°00'00" E	100.00	85	MONUMENT TO MONUMENT		
86	117°00'00" E	100.00	86	MONUMENT TO MONUMENT		
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92	117°00'00" E	100.00	92	MONUMENT TO MONUMENT		
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95	117°00'00" E	100.00	95	MONUMENT TO MONUMENT		
96	117°00'00" E	100.00	96	MONUMENT TO MONUMENT		
97	117°00'00" E	100.00	97	MONUMENT TO MONUMENT		
98	117°00'00" E	100.00	98	MONUMENT TO MONUMENT		
99	117°00'00" E	100.00	99	MONUMENT TO MONUMENT		
100	117°00'00" E	100.00	100	MONUMENT TO MONUMENT		



SKYLINE REAL ESTATE DEVELOPMENT COMPANY 87-187553
SEE SHEET 4 OF 4
CHAM. IN. 51 RE 455-222453
JOB NO. 950094-20 SHEET 3 OF 4

EXHIBIT A1

Proposed Vacation Of The Public Right-Of-Way Of Skyline Circle Without Cost To The Abutting Property Owners And Reservation Of Public Service Easements

Tract 6249

Map Bk 222

Pf 88

TRACT 6249

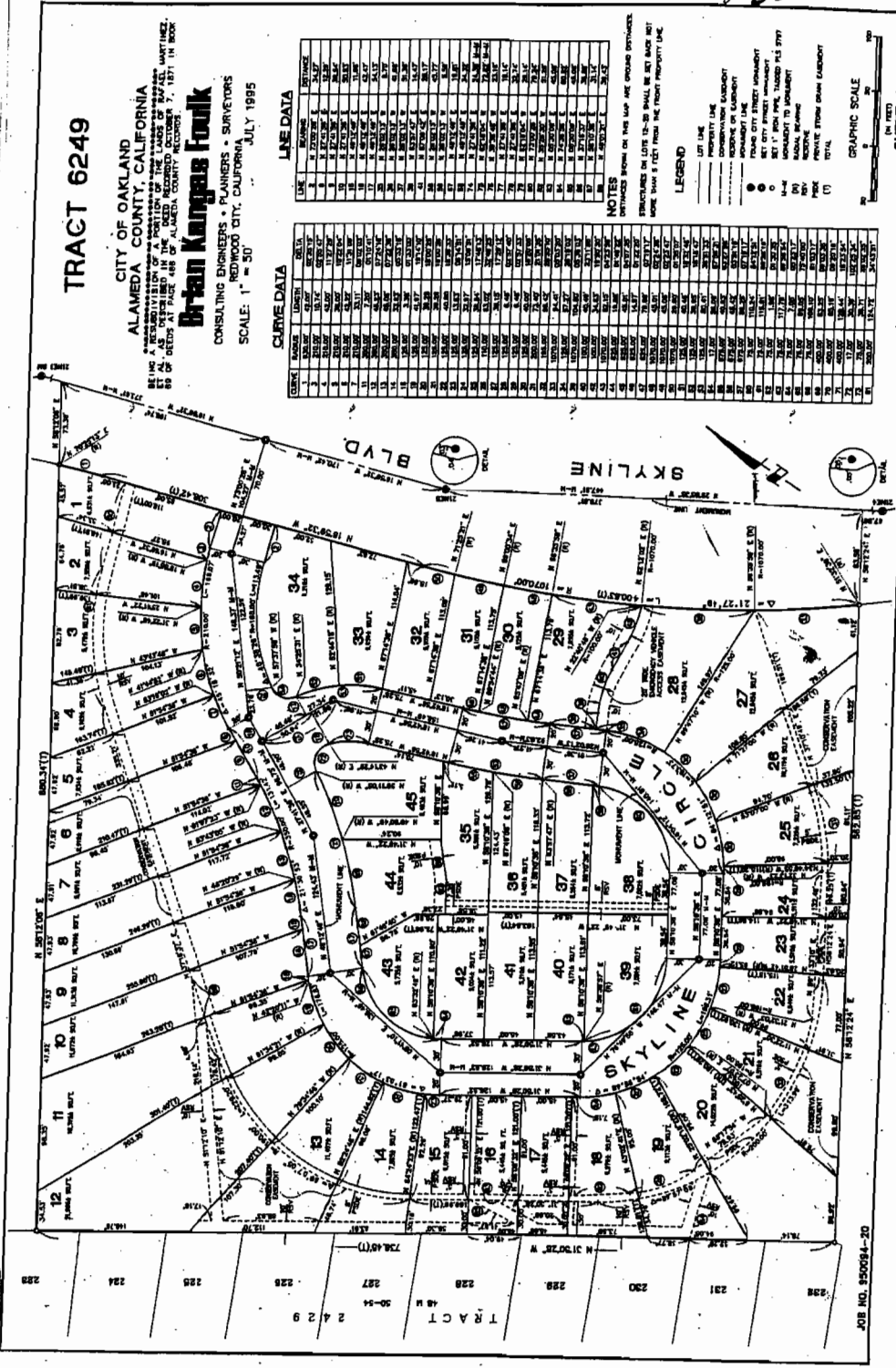
CITY OF OAKLAND
ALAMEDA COUNTY, CALIFORNIA
A SUBDIVISION OF A PORTION OF THE LANDS OF SEVERAL HARTSHORN
SET 17 FROM 1894, TRACTS 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30,
31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49,
50 OF DEEDS AT PAGE 438 OF ALAMEDA COUNTY RECORDS, OCTOBER 7, 1871, IN BOOK
Brian Kangas Fouk
CONSULTING ENGINEERS, PLANNERS - SURVEYORS
REDWOOD CITY, CALIFORNIA JULY 1995
SCALE: 1" = 30'

LINE DATA table with columns: LINE, BEARING, DISTANCE

CURVE DATA table with columns: CURVE, BEARING, DISTANCE, CURVE, BEARING, DISTANCE

NOTES
STRUCTURES ON THIS MAP ARE CIRCUMFERENCES
DIMENSIONS ON LOTS 25-30 SHALL BE SET BACK NOT
MORE THAN 5 FEET FROM THE FRONT PROPERTY LINE.

LEGEND
LOT LINE
PROPERTY LINE
CITY STREET VARIATION
MONUMENT TO MONUMENT
MONUMENT TO MONUMENT
MONUMENT TO MONUMENT
PRIVATE STORM DRAIN CATCHMENT
TOTAL



SHEET 4 OF 4
Arts 17

JOB NO. 930094-20

TRACT 6249
48 M
2429
50-54
287
226
225
224
223

EXHIBIT A2

Proposed Vacation Of The Public Right-Of-Way Of Skyline Circle Without Cost To The Abutting Property Owners And Reservation Of Public Service Easements

Amended Sheet 6749 Map No. 257 P. 39-50

AMENDING TRACT 6249

BEING AN AMENDMENT TO TRACT 6249 RECORDED IN BOOK 222 OF MAPS AT PAGES 85 THROUGH 89, INCLOSURE A, PRIVATE STORM DRAIN EASEMENT, AMENDING THE LOCATION OF THE WIDE PUBLIC RESERVE AND ADDING A 5' WIDE PUBLIC UTILITY EASEMENT WITHIN LOTS 1 THROUGH 20

CONSISTING OF 2 SHEETS CITY OF OAKLAND ALAMEDA COUNTY CALIFORNIA DATED, DECEMBER, 2000

Arjan Kangas Fouk CONSULTING ENGINEERS 1700 CHERRY AVE. SUITE 104 ALAMEDA, CA. 94601

CITY ENGINEER'S STATEMENT I, CALVIN N. WONG, DIRECTOR OF BUILDING SERVICES, HAVING BEEN INFORMED OF THE FUNCTIONS OF THE CITY ENGINEER FOR THE PURPOSE OF REVIEWING SUBDIVISION MAPS IN CALIFORNIA, ENTITLED "AMENDING TRACT 6249, THE HEREIN EMBODIED MAP UPON SAID MAP IS SUBSTANTIALLY THE SAME AS THAT APPEARING UPON SAID MAP AND ANY LITIGATIVE MATTERS THAT MAY BE BROUGHT TO THE ATTENTION OF THE CITY ENGINEER SHALL BE SETTLED BY THE APPLICABLE MAP AND LOCAL ORDINANCES APPLICABLE AT THE DATE OF THE MAP'S RECORDATION AND THAT I AM SATISFIED THAT THE MAP IS TECHNICALLY CORRECT.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND SEAL THIS 15th DAY OF DECEMBER, 2000. Calvin N. Wong Director of Building Services, City of Oakland Alameda County, CA.

CITY CLERK'S STATEMENT I, CEDA FLOYD, CITY CLERK AND CLERK OF THE COUNCIL OF THE CITY OF OAKLAND, HEREBY STATE THAT SAID COUNCIL BY RESOLUTION NO. 2000-12-001, DID DULY APPROVE THE WITHIN MAP ON DECEMBER 15, 2000.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS 15th DAY OF DECEMBER, 2000. CEDA FLOYD CITY CLERK OF THE CITY OF OAKLAND, CALIFORNIA

SHEET 1 OF 2 200006101-50 BK 257 P. 39

BENEFICIARY'S ACKNOWLEDGMENT

STATE OF CALIFORNIA } S.S. COUNTY OF Alameda } I, Albert Fong, before me, Arjan Kangas Fouk, a duly licensed and qualified public notary public, do hereby certify that the within instrument was executed by the person(s) named therein and that the person(s) named therein are the owner(s) of the real property described in the instrument.

WITNESS MY HAND: Arjan Kangas Fouk Notary Public My Comm. Expires: 12/31/03

AMENDMENT NOTES THIS MAP AMENDS SHEETS 1 AND 4 OF THE ORIGINAL TRACT MAP 6249 RECORDED IN BOOK 222 OF MAPS AT PAGES 85 THROUGH 89, ALAMEDA COUNTY, CALIFORNIA. THE PURPOSE OF THE AMENDMENT IS TO AMEND THE LOCATION OF THE PRIVATE STORM DRAIN EASEMENT (P.S.D.E.), THE CONSERVATION EASEMENT (C.E.), AND A 5' PUBLIC UTILITY EASEMENT (P.U.E.) WITHIN LOTS 1 THROUGH 20. 146-96 # 96-009102 COUNTY RECORDER'S STATEMENT FILED FOR RECORD THIS 20th DAY OF JANUARY, 2001. AT \$200.00, IN BOOK 223 OF MAPS AT PAGES 35 THROUGH 38, ALAMEDA COUNTY, CALIFORNIA.

PATRIK O'CONNELL, COUNTY RECORDER AND FOR THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA. DEPUTY COUNTY RECORDER

SURVEYOR'S STATEMENT

I HEREBY STATE THAT THIS SURVEY AND FINAL MAP WAS MADE BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT I AM A LICENSED SURVEYOR IN THE STATE OF CALIFORNIA. I HAVE PERSONALLY EXAMINED THE ORIGINAL MAP AND THE SURVEY DATA AND I AM SURE AND COMPLETE AS SHOWN THEREON. I HAVE ALSO EXAMINED THE ORIGINAL AND COMPLETE AS SHOWN THEREON. I HAVE ALSO EXAMINED THE ORIGINAL AND COMPLETE AS SHOWN THEREON. I HAVE ALSO EXAMINED THE ORIGINAL AND COMPLETE AS SHOWN THEREON.



OWNER'S STATEMENT

THE UNDERSIGNED, PROTEA PROPERTIES, INC., A CALIFORNIA CORPORATION, DO HEREBY STATE THAT I AM THE OWNER OF THE REAL PROPERTY DESCRIBED IN THE REAL PROPERTY SUBDIVISION SHOWN UPON THIS MAP, AND THAT IT IS THE ONLY ONE WHOSE INTERESTS ARE AFFECTED BY THE MAKING AND FILING OF THIS AMENDING MAP AS SHOWN WITHIN THE DISTINCTIVE BORDER LINE.

SAID OWNER DOES HEREBY RESERVE THE AREA SHOWN AND DESIGNATED HEREIN AS "10' RESV." (RESERVE) FOR THE STORM DRAIN FACILITIES AND APPURTENANCES.

SAID OWNER DOES HEREBY RESERVE THE AREA SHOWN AND DESIGNATED HEREIN AS "5' PUE." (PUBLIC UTILITY EASEMENT) FOR THE PURPOSES OF PUBLIC UTILITIES AND THEIR APPURTENANCES.

SAID OWNER DOES HEREBY RESERVE THE AREA SHOWN AND DESIGNATED HEREIN AS "CONSERVATION EASEMENT." (C.E.) AS PROTECTED OPEN SPACE FOR THE PRESERVATION OF THE AREA AND ITS VEGETATION IN ITS PRESENT NATURAL CONDITION.

SAID OWNER DOES HEREBY RESERVE A PRIVATE STORM DRAIN EASEMENT SHOWN AND DESIGNATED HEREIN AS "P.S.D.E." FOR THE USE OF THE OWNERS OF LOTS 1 THROUGH 20 OF AMENDING TRACT 6249.

CURRENT VESTING OWNER: PROTEA PROPERTIES, INC. 220 WALNUT AVE., SUITE 1775 OAKLAND, CA 94612 BY: Albert Fong, President



OWNER'S ACKNOWLEDGMENT

STATE OF CALIFORNIA } S.S. COUNTY OF Alameda } I, Albert Fong, before me, Arjan Kangas Fouk, a duly licensed and qualified public notary public, do hereby certify that the within instrument was executed by the person(s) named therein and that the person(s) named therein are the owner(s) of the real property described in the instrument.



WITNESS MY HAND: Arjan Kangas Fouk Notary Public My Comm. Expires: 12/31/03

PROTEA PROPERTIES, INC. 220 WALNUT AVE., SUITE 1775 OAKLAND, CA 94612

SAID OWNER DOES HEREBY RESERVE THE AREA SHOWN AND DESIGNATED HEREIN AS "10' RESV." (RESERVE) FOR THE STORM DRAIN FACILITIES AND APPURTENANCES.

SAID OWNER DOES HEREBY RESERVE THE AREA SHOWN AND DESIGNATED HEREIN AS "5' PUE." (PUBLIC UTILITY EASEMENT) FOR THE PURPOSES OF PUBLIC UTILITIES AND THEIR APPURTENANCES.

SAID OWNER DOES HEREBY RESERVE THE AREA SHOWN AND DESIGNATED HEREIN AS "CONSERVATION EASEMENT." (C.E.) AS PROTECTED OPEN SPACE FOR THE PRESERVATION OF THE AREA AND ITS VEGETATION IN ITS PRESENT NATURAL CONDITION.

SAID OWNER DOES HEREBY RESERVE A PRIVATE STORM DRAIN EASEMENT SHOWN AND DESIGNATED HEREIN AS "P.S.D.E." FOR THE USE OF THE OWNERS OF LOTS 1 THROUGH 20 OF AMENDING TRACT 6249.

CURRENT VESTING OWNER: PROTEA PROPERTIES, INC. 220 WALNUT AVE., SUITE 1775 OAKLAND, CA 94612 BY: Albert Fong, President

EXHIBIT A2

Proposed Vacation Of The Public Right-Of-Way Of Skyline Circle Without Cost To The Abutting Property Owners And Reservation Of Public Service Easements

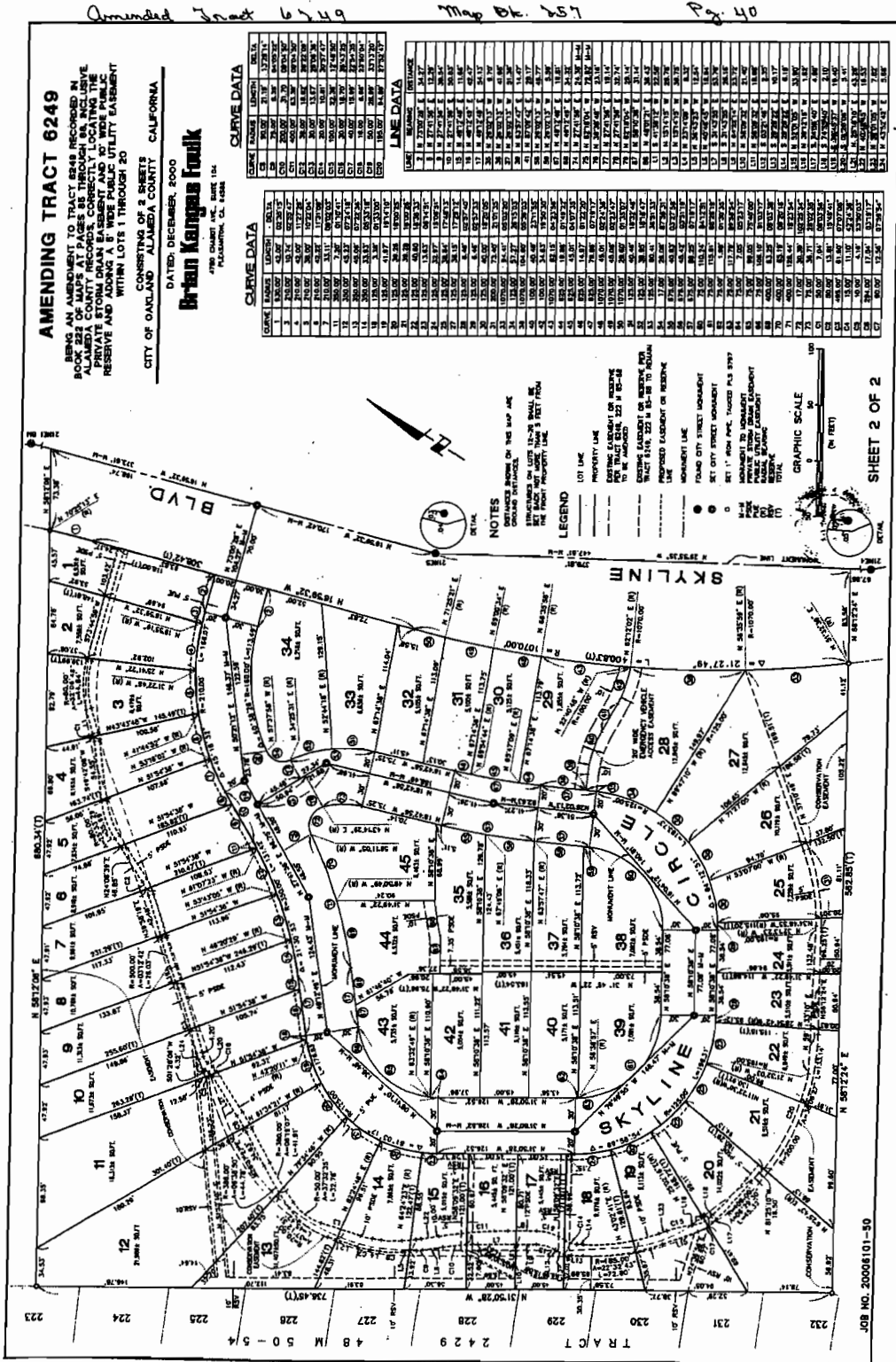
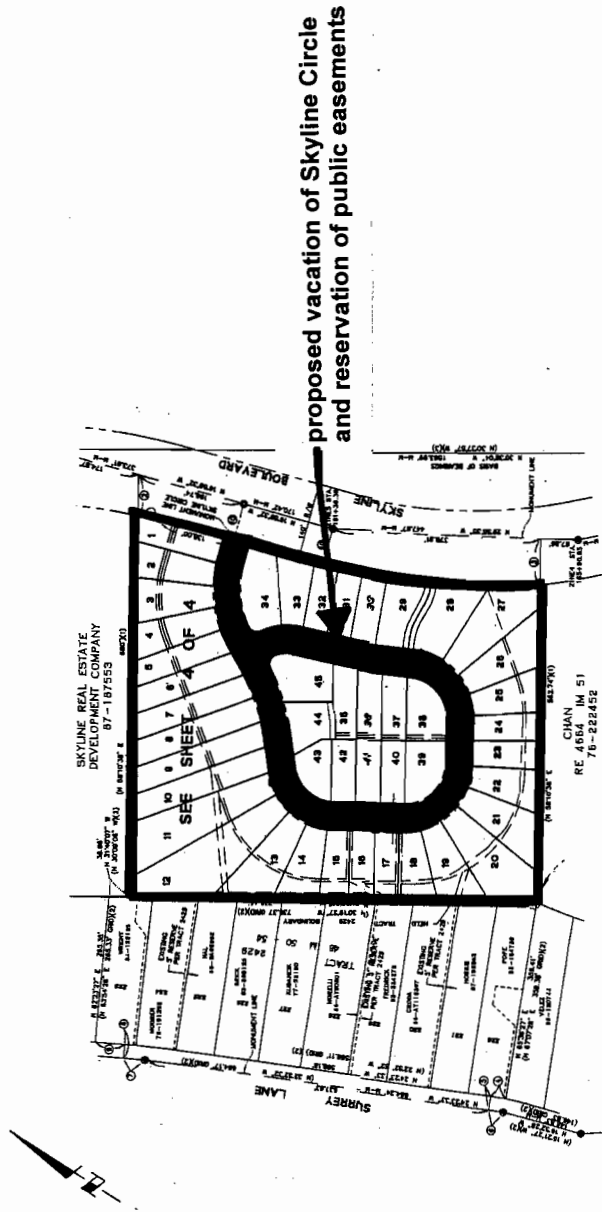


EXHIBIT B

Notification Of A Meeting To Receive Supporting Evidence And Public Testimony
For A Proposed Vacation Of The Public Right-Of-Way Of Skyline Circle Without
Cost To The Abutting Property Owners And Reservation Of Public Service Easements

PUBLIC NOTICE



Pursuant to California Streets and Highways Code Section 8320 et seq., notice is given to the public that the Council of the City of Oakland intends to vacate the public right-of-way for Skyline Circle without cost to the abutting property owners and reserve public easements for utilities and emergency vehicle access.

Notice is also given to the public that the Council of the City of Oakland will hold a public meeting to receive supporting evidence and public testimony for the proposed vacation in the Chamber of the City Council, on the Third Floor of City Hall, at One Frank H. Ogawa Plaza, in Oakland, California, on May 5, 2009, beginning at 7:01 p.m. local time.

*It is a misdemeanor to deface or to remove this posting.
Violators are subject to a fine of \$1,000 and a jail sentence of 6 months.*

EXHIBIT B

Notification Of A Meeting To Receive Supporting Evidence And Public Testimony For A Proposed Vacation Of The Public Right-Of-Way Of Skyline Circle Without Cost To The Abutting Property Owners And Reservation Of Public Service Easements

PUBLIC NOTICE

Public Meeting For Abandoning A Public Street

Pursuant to California Streets and Highways Code section 8320 et seq., the Council of the City of Oakland will hold a meeting in the Chamber of the City Council, Third Floor of City Hall, at One Frank H. Ogawa Plaza, in Oakland, California, on May 5, 2009, beginning at 7:01 p.m., local time, to receive supporting evidence and public testimony for an ordinance which will abandon (vacate) the public right-of-way for Skyline Circle (located north of the intersection of Skyline Boulevard and Keller Avenue) without cost to the abutting property owners and reserve public easements over the private road for utilities and emergency vehicle access. A map fully delineating the proposed abandonment is available at the City of Oakland, Building Services Division, Dalziel Administration Building, Second Floor, 250 Frank H. Ogawa Plaza, Oakland, CA 94612.

**published in the Oakland Tribune
on April 14, 2009, and April 21, 2009**

EXHIBIT C

Affidavit Certifying Notifications Of A Public Meeting To Receive Supporting Evidence And Public Testimony For A Proposed Vacation Of The Public Right-Of-Way Of Skyline Circle Without Cost To The Abutting Property Owners And Reservation Of Public Service Easements

Pursuant to California Streets and Highways Code Section 8322, I hereby certify that the following public notifications did occur on the dates and times and at the locations and for the durations indicated below:

Site Posting

Facsimiles of the attached placard were affixed before May 5, 2009, to City street light poles in the public sidewalk at intervals not exceeding three hundred (300) feet along Skyline Circle, and have remained in place since then advising the public of a meeting on May 5, 2009, at 7:01 p.m. local time, in the Chambers of the Council of the City of Oakland, on the Third Floor of City Hall, at One Frank H. Ogawa Plaza, to receive supporting evidence and public testimony for the proposed vacation of the public right-of-way and reservation of public easements delineated on the placard.

Newspaper Publication

The attached notice was published in the *Oakland Tribune* on April 14, 2009, and April 21, 2009, advising the public of a hearing on May 5, 2009, at 7:01 p.m. local time in the Chambers of the Council of the City of Oakland, on the Third Floor of City Hall, at One Frank H. Ogawa Plaza to receive supporting evidence and public testimony for the proposed vacation of Skyline Circle (located north of the intersection Skyline Boulevard and Keller Avenue) without cost to the abutting property owners and reserving public service easements further advising the public that a map delineating the limits of the public right-of-way proposed for vacation and the public easements proposed for reservation is available at the Building Services counter on the Second Floor of the Dalziel Administration Building at 250 Frank H. Ogawa Plaza, Oakland, CA 94612.

by _____

RAYMOND M. DERANIA
Deputy Director - City Engineer
Community and Economic Development Agency

NOTICE AND DIGEST

Ordinance Vacating The Public Right-Of-Way Of Skyline Circle To The Abutting Property Owners Without Cost And Reserving Public Service Easements

This ordinance would convert a public street to a private road (shared access easement) for the exclusive use of the forty-five abutting parcels and would reserve public easements over the abandoned right-of-way for existing and future utilities (natural gas, water, telecommunications, etc.) and access by emergency vehicles.