

**CITY OF OAKLAND
COUNCIL AGENDA REPORT**

TO: Office of the City Manager
ATTN: Robert C. Bobb
FROM: Community and Economic Development Agency
DATE: September 19, 2000

TITLE: AN ORDINANCE ABANDONING TWO FIVE-FOOT WIDE RESERVE EASEMENTS NORTH OF SOBRANTE ROAD SITUATED IN LOT 2854 AND LOT 2855, AS SHOWN ON THE MAP ENTITLED "THORNDALE, OAKLAND, CALIFORNIA"

SUMMARY

An ordinance has been prepared to abandon two five-foot wide reserve easements in Lot 2854 and Lot 2855 of the map entitled "Thorndale, Oakland, California". The reserve easements were never utilized for their intended purposes and are not needed for future use.

Staff recommends approval of the ordinance.

FISCAL IMPACTS

There is no fiscal impact to the City if City Council approves the ordinance.

BACKGROUND

The easement proposed to be abandoned was dedicated to the City of Oakland in 1929 through the filing of the map entitled "Thorndale, Oakland, California" for the purposes of constructing, repairing and maintaining public sewers and utilities. However, the easements were never utilized for their intended purposes and are not needed for future use.

The request for abandonment of the easements was made by the owner of the property located at 6677 Sobrante Road for the purpose of removing unnecessary encumbrances on his property. The owner of the property has applied for a building permit in order to build a single family dwelling on this parcel. The property is currently zoned R-30/S-11.

The proposed abandonment has been reviewed and approved by the affected City departments and utility companies, and has been found to be categorically exempt under the California Environmental Quality Act.

The easement proposed for abandonment is not for use by the general public; therefore, no formal public hearing is required to conclude the matter.

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9-19-00

ENVIRONMENTAL OPPORTUNITIES

The applicant will be required to adhere to Best Management Practices during construction of the proposed dwelling.

DISABILITY AND SENIOR CITIZEN ACCESS

There is no opportunity for disability and senior citizen accessibility requirement.

RECOMMENDATION AND RATIONALE

Since it has been determined that the easement is not needed for future use, staff recommends that the ordinance be approved.

ACTION REQUESTED OF THE CITY COUNCIL

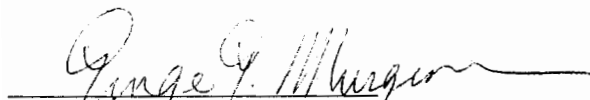
Staff recommends that the ordinance be approved.

Respectfully submitted,


WILLIAM E. CLAGGETT
Executive Director

Prepared by:
CALVIN N. WONG
Director of Building Services

APPROVED AND FORWARDED
TO THE CITY COUNCIL


Office of the City Manager

ORDINANCE No. _____ C. M. S.

**AN ORDINANCE ABANDONING TWO FIVE-FOOT WIDE
RESERVE EASEMENTS NORTH OF SOBRANTE ROAD
SITUATED IN LOTS 2854 AND 2855, AS SHOWN ON THE
MAP ENTITLED "THORNDALE, OAKLAND,
CALIFORNIA"**

WHEREAS, two certain public five-foot wide reserve easements situated in Lot 2854 and Lot 2855 of the map entitled "Thorndale, Oakland, California" were dedicated along with the filing of said map to the City of Oakland on the 18th day of July, 1929 in Book 18, Page 68, et seq, in the Office of the Recorder, Alameda County, California, for the purposes of constructing, repairing and maintaining public sewers and utilities; and

WHEREAS, said reserve easements are delineated and depicted in Exhibit "A" attached hereto and made a part hereof and are more particularly described as follows:

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

A portion of those certain five-foot wide strips of land shown as "Reserve 5 Feet Wide" in Lots 2854 and 2855 as said strips of land and said lots are shown on the map entitled "Thorndale, Oakland, California", filed July 18, 1929 in Book 18 of Maps at Page 68, et seq., Official Records of Alameda County, described as follows:

BEGINNING at a point, said point being on the arc of a curve to the left with a radius of 221 feet and distant 5.06 feet from the most western corner of Lot 2855, along the southwesterly line of Lot 2854; thence North 35 degrees, 59 minutes, 40 seconds East, 46 feet; thence South 29 degrees, 30 minutes, 00 seconds East, 11 feet; thence South 35 degrees, 59 minutes, 40 seconds West, 40.5 feet to a point on the southwesterly line of Lot 2855; and thence on a curve to the right with a radius of 221 feet, 10.12 feet, more or less, to the POINT OF BEGINNING; and

WHEREAS, said reserve easements were never utilized for the purpose for which they were created; 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 that this project is exempt from the provisions of the California Environmental Quality Act; now, therefore,

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 reserve easements.
- 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 reserve easements abandoned hereby shall no longer constitute public service easements.

LOT 2854

THE PORTION OF 5-FOOT RESERVE

EASEMENT ON LOT 2854
TO BE ABANDONED

N 35 59' 40" E 46 feet

SOBRANTE

10.12 feet
R=221 feet

S 35 59' 40" W 40.5 feet

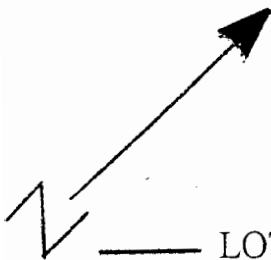
S 29 30' 00" 11 feet

THE PORTION OF 5-FOOT RESERVE

EASEMENT ON LOT 2855
TO BE ABANDONED

LOT 2855

ROAD



— LOT LINE

- - - EASEMENT LINE

EXHIBIT "A"

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9-19-00