

CITY OF OAKLAND
AGENDA REPORT

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2009 APR 16 AM 8:51

TO: Office of the City Administrator
ATTN: Dan Lindheim
FROM: Community and Economic Development Agency
DATE: April 28, 2009

RE: **An Ordinance Vacating Skyline Circle To The Abutting Property Owners
Without Cost And Reserving Public Easements For Utilities And Emergency
Vehicle Access**

SUMMARY

An ordinance has been prepared which will complete the process begun in 1997 to convert the privately maintained public street to a private road ("street vacation"). Skyline Circle is a circular street (similar to a cul-de-sac) which is located near the intersection of Skyline Boulevard and Keller Avenue. The street was originally designed only to serve the forty-five (45) abutting homes in the single family dwelling subdivision. The Oakland Police Department and Fire Department have concurred with the proposed vacation. The HOA has maintained the street since it was constructed in 1997 by the original developer. The City will retain public easements over the vacated right-of-way for maintaining utilities (gas, water, sewer, etc.) and emergency vehicle access.

The California Streets and Highways Code requires two (2) sequential public meetings to complete the vacation process. This ordinance will transfer ownership of the street without cost to the abutting property owners. The companion resolution will adopt findings required by the California Streets and Highways Code, Public Resources Code, and Government Code.

FISCAL IMPACT

Staff costs for processing the proposed street vacation will be covered by fees set by the Master Fee Schedule and will be deposited in the General Purpose Fund (1010), Engineering Services organization (88432), Encroachment Permits account (42314), Engineering and Architectural Approval (PS30).

BACKGROUND

Original Street Construction

The original subdivider, Kaufman and Broad Homes, completed construction of Skyline Circle in 1997. The street circulation pattern (similar to a cul-de-sac) was designed to serve only the residents of the subdivision. As a condition of approval by the City for accepting the completed

Item: _____
Public Works Committee
April 28, 2009

public street, the Skyline Homeowners Association was required to maintain the public infrastructure, except for buried public utilities (gas, water, electric, sewer, telecommunications). The street has been a privately maintained road for the past twelve (12) years. The proposed vacation would bring the street into conformance with the statutory requirements of the California Streets and Highways Code and Vehicle Code for a private roadway.

Public Easements

Easements for public utilities (gas, water, sewer, etc.) and emergency vehicle access will be reserved over the full width of the vacated right-of-way.

Transfer of Right-Of-Way Ownership

For public streets which were dedicated after 1949, the California Civil Code presumes that abutting property owners own the underlying fee interest in the right-of-way. Consequently, title to the land beneath Skyline Circle will revert to the forty-five (45) homeowners without cost.

KEY ISSUES AND IMPACTS

The companion resolution will make findings for the vacation required by the California Streets and Highways Code, Government Code, and Public Resources Code to vacate Skyline Circle. This ordinance will vacate the right-of-way to the property owners without cost and impose the following conditions:

- reserve public easements over the full width of the vacated right-of-way for utilities (gas, water, sewer, etc.) and emergency vehicle access;
- allow the property owners, at their option, to record a private access easement over the public easements;
- confirm that the abutting property owners will remain responsible for the maintenance of the private road (sidewalks, paving, street lights, etc.).

SUSTAINABLE OPPORTUNITIES

Economic

The proposed vacation of Skyline Circle will increase the assessment of unimproved land area to the general levy of property taxes, a portion of which will accrue to the City of Oakland.

Environmental

The transfer of ownership of the right-of-way will not have a direct impact on the environment.

Social Equity

The transfer of ownership of the right-of-way will not have a direct impact on social equity.

DISABILITY AND SENIOR CITIZEN ACCESS

The street was constructed to State and City requirements for accessibility in 1997.

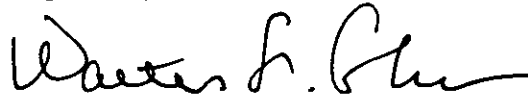
RECOMMENDATIONS

Staff recommends the Committee accept this report and forward it with the companion vacation resolution to the City Council for their scheduled meeting on May 5, 2009.

ACTION REQUESTED OF THE CITY COUNCIL

Staff recommends that the City Council accept this report and adopt the proposed ordinance vacating Skyline Circle to the abutting property owners without cost and reserving public easements for utilities and emergency vehicle access.

Respectfully submitted,

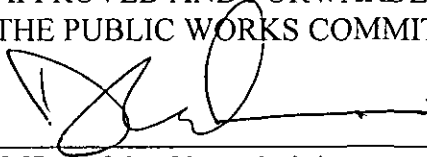


Walter S. Cohen, Director
Community and Economic Development Agency

Prepared by:

Raymond M. Derania
City Engineer
Building Services Division

APPROVED AND FORWARDED TO
THE PUBLIC WORKS COMMITTEE:



Office of the City Administrator

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. _____ 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, _____, 2009

PASSED BY THE FOLLOWING VOTE:

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

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____

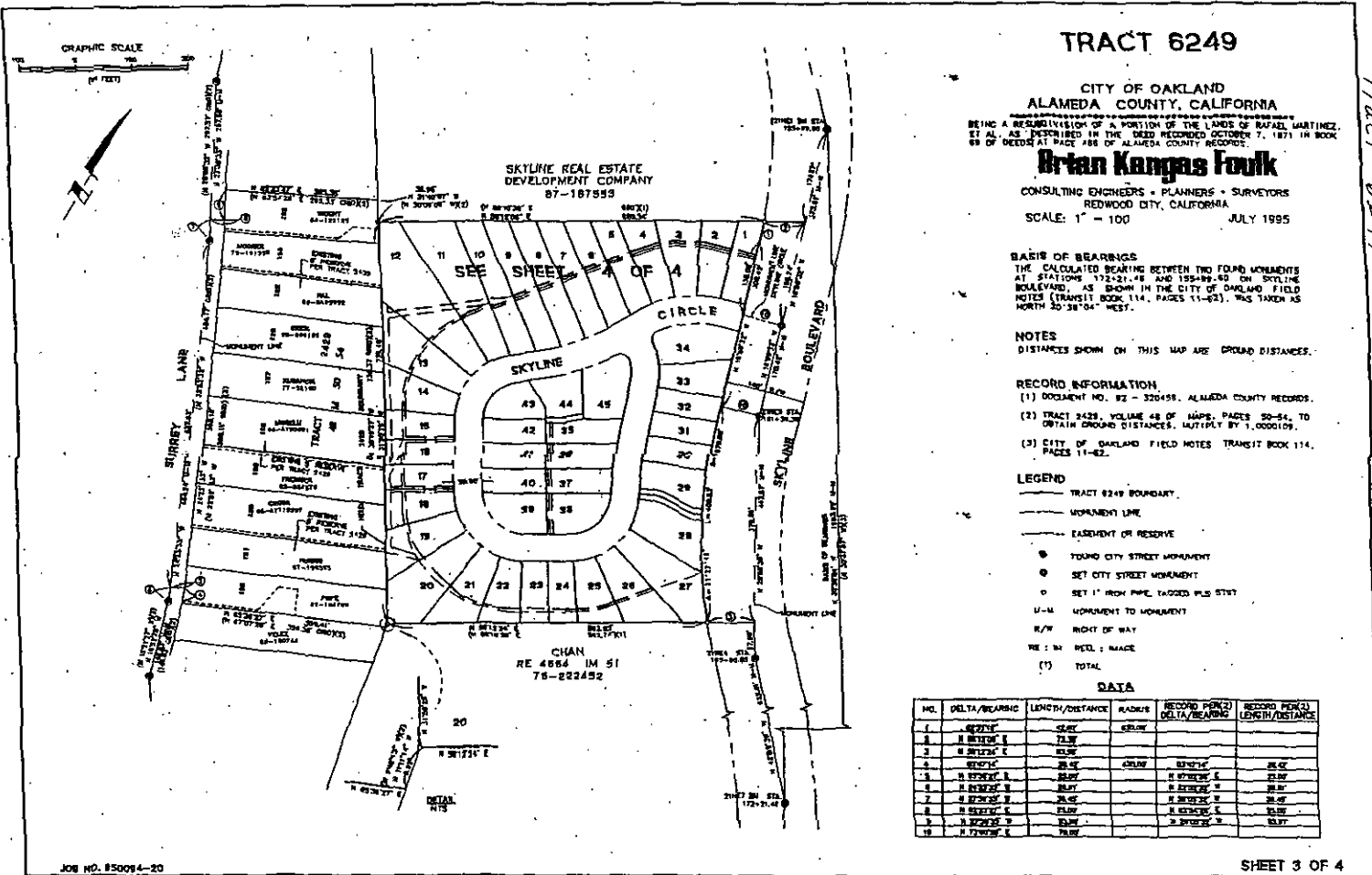
LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California

DATE OF ATTESTATION _____

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 A6 222 Pg 87



TRACT 6249

CITY OF OAKLAND
ALAMEDA COUNTY, CALIFORNIA
BEING A RESUBDIVISION OF A PORTION OF THE LANDS OF RAFAEL MARTINEZ ET AL, AS DESCRIBED IN THE DEED RECORDED OCTOBER 7, 1871 IN BOOK 69 OF DEEDS AT PAGE 486 OF ALAMEDA COUNTY RECORDS.
Brian Kangas Fouk
CONSULTING ENGINEERS - PLANNERS - SURVEYORS
REDWOOD CITY, CALIFORNIA
SCALE: 1" = 100 JULY 1995

BASIS OF BEARINGS
THE CALCULATED BEARING BETWEEN TWO FOUND MONUMENTS AT STATIONS 172+21.48 AND 199+89.60 ON SKYLINE BOULEVARD, AS SHOWN IN THE CITY OF OAKLAND FIELD NOTES (TRANSIT BOOK 114, PAGES 11-62), WAS TAKEN AS NORTH 20°38'04" WEST.

NOTES
DISTANCES SHOWN ON THIS MAP ARE GROUND DISTANCES.

RECORD INFORMATION
(1) DOCUMENT NO. 82 - 320458, ALAMEDA COUNTY RECORDS.
(2) TRACT 2429, VOLUME 48 OF MAPS, PAGES 50-54, TO OBTAIN GROUND DISTANCES, MULTIPLY BY 1.0000109.
(3) CITY OF OAKLAND FIELD NOTES TRANSIT BOOK 114, PAGES 11-62.

LEGEND
 - - - - - TRACT 6249 BOUNDARY
 ——— MONUMENT LINE
 --- EASEMENT OR RESERVE
 ● FOUND CITY STREET MONUMENT
 ○ SET CITY STREET MONUMENT
 ○ SET 1" IRON PIPE, TAPPED PLS. STBY
 U-U MONUMENT TO MONUMENT
 R/W RIGHT OF WAY
 RE: IN REEL; IN PAGE
 (1) TOTAL

DATA

NO.	DELTA/BEARING	LENGTH/DISTANCE	RADIUS	RECORD PER(1) DELTA/BEARING	RECORD PER(2) LENGTH/DISTANCE
1	S 87°15' E	51.00	51.00		
2	N 87°15' E	71.00	71.00		
3	S 87°15' E	51.00	51.00		
4	S 87°15' E	28.00	28.00		
5	N 87°15' E	28.00	28.00		
6	N 87°15' E	28.00	28.00		
7	S 87°15' E	28.00	28.00		
8	N 87°15' E	28.00	28.00		
9	N 87°15' E	28.00	28.00		
10	N 87°15' E	28.00	28.00		

SHEET 3 OF 4

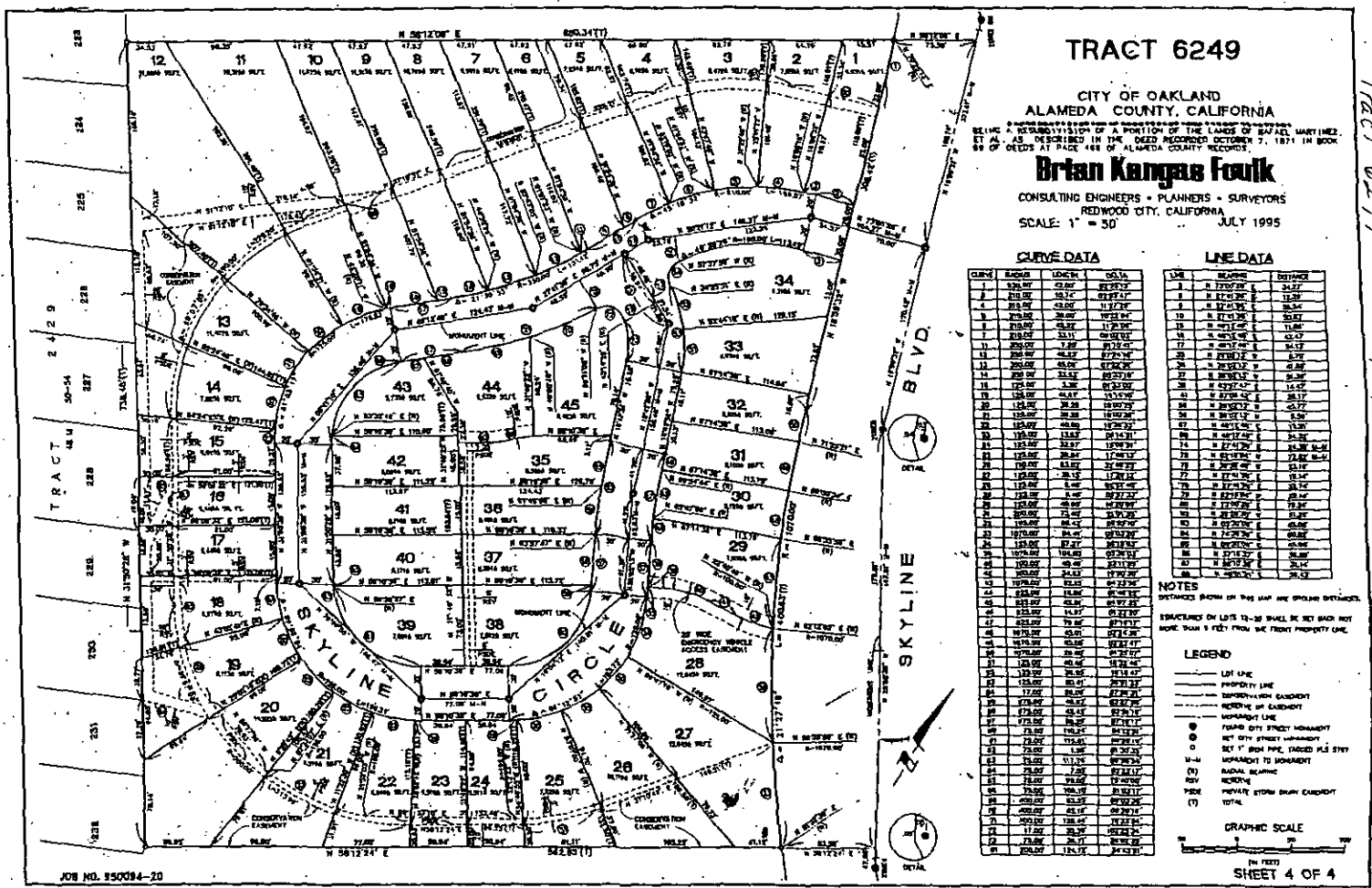
64 222 A 77

JOB NO. 850094-20

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 A1

Tract 6249
Map Bk 222
Pg 88



TRACT 6249

CITY OF OAKLAND
ALAMEDA COUNTY, CALIFORNIA

BEING A RE-DEVISION OF A PORTION OF THE LANDS OF RAFAEL MARTINEZ, ET AL. AS DESCRIBED IN THE DEED RECORDED OCTOBER 7, 1871 IN BOOK 24 OF DEEDS AT PAGE 488 OF ALAMEDA COUNTY RECORDS.

Brian Kangas Fouk

CONSULTING ENGINEERS • PLANNERS • SURVEYORS
REDWOOD CITY, CALIFORNIA

SCALE: 1" = 50' JULY 1995

CURVE DATA

CURVE	BEARING	CHORD	CHORD BEARING	CHORD DISTANCE
1	S 89° 57' 00" E	10.74	S 89° 57' 00" E	10.74
2	S 89° 57' 00" E	10.74	S 89° 57' 00" E	10.74
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32	S 89° 57' 00" E	10.74	S 89° 57' 00" E	10.74
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47	S 89° 57' 00" E	10.74	S 89° 57' 00" E	10.74
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50	S 89° 57' 00" E	10.74	S 89° 57' 00" E	10.74

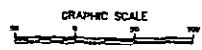
LINE DATA

LINE	BEARING	DISTANCE
1	S 89° 57' 00" E	10.74
2	S 89° 57' 00" E	10.74
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47	S 89° 57' 00" E	10.74
48	S 89° 57' 00" E	10.74
49	S 89° 57' 00" E	10.74
50	S 89° 57' 00" E	10.74

NOTES
DISTANCES SHOWN ON THIS MAP ARE GRADE DISTANCES.
DISTANCES ON LOTS 12-38 SHALL BE SET BACK NOT MORE THAN 5 FEET FROM THE FRONT PROPERTY LINE.

LEGEND

- LOT LINE
- PROPERTY LINE
- EASEMENT/RIGHT OF WAY
- RESERVATION OF EASEMENT
- MONUMENT LINE
- FRONT CITY STREET MONUMENT
- SET CITY STREET MONUMENT
- SET 1" IRON PIPE, TAPPED 1/2" SET
- MONUMENT TO MONUMENT
- PUBLIC EASEMENT
- PRIVATE EASEMENT
- PRIVATE EASEMENT/RIGHT OF WAY
- TOTAL



SHEET 4 OF 4

JOB NO. 950094-20

6/11/95

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 A2

Oakland Book 1219
Map No. 287
Page 20-10
84257 12 31

AMENDING TRACT 6249

BEING AN AMENDMENT TO TRACT 6249 RECORDED IN BOOK 222 OF MAPS AT PAGES 85 THROUGH 88, INCLUSIVE, ALAMEDA COUNTY RECORDS, AMENDING THE LOCATION OF THE PRIVATE STORM DRAIN EASEMENT, THE CONSERVATION EASEMENT, THE 10' 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

Brian Kangas Faulk

CONSULTING ENGINEER
4700 CHURCH AVE., SUITE 104
PLEASANTON, CA. 94686

OWNER'S STATEMENT

THE UNDERSIGNED, PROTEA PROPERTIES, INC., A CALIFORNIA CORPORATION, DOES HEREBY STATE THAT IT IS THE OWNER OF, OR HAS SOME RIGHT, TITLE OR INTEREST IN THE REAL PROPERTY INCLUDED WITHIN LOTS 1-20 OF THE SUBDIVISION SHOWN UPON THIS MAP, AND THAT IT IS THE ONLY ONE WHOSE CONSENT IS NECESSARY TO PASS CLEAR TITLE TO SAID PROPERTY, AND HEREBY CONSENTS TO 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 HEREON AS "10' RSV" (RESERVE) FOR THE PURPOSES OF THE STORM DRAIN FACILITIES AND APPURTENANCES.

SAID OWNER DOES HEREBY RESERVE THE AREA SHOWN AND DESIGNATED HEREON 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 HEREON AS "CONSERVATION EASEMENT" TO REMAIN 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 HEREON AS "PSE" FOR THE USE OF THE OWNERS OF LOTS 1 THROUGH 20 OF AMENDING TRACT 6249.

CURRENT VESTING OWNER:
PROTEA PROPERTIES, INC.
ONE KAISER PLAZA, SUITE 1775
OAKLAND, CA. 94612
BY: Albert Fong
ALBERT FONG, PRESIDENT

BENEFICIARY:
KAUFMAN AND BROAD OF NORTHERN CALIFORNIA, INC.
2501 WALNUT AVE., SUITE 150
FREMONT, CA. 94538
BY: Robert Fould
Robert Fould
President

OWNER'S ACKNOWLEDGMENT

STATE OF CALIFORNIA } S.S.
COUNTY OF ALAMEDA }
ON 12/2/2001 BEFORE ME Anna Kalam PERSONALLY APPEARED Robert Fould PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/IT/ THEY EXECUTED THE SAME IN HIS/HER/ THEIR AUTHORIZED CAPACITY(IES) AND THAT BY HIS/HER/HE/SHE/IT/THEY/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S) OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.
WITNESS MY HAND:
NOTARY'S SIGNATURE: Anna Kalam
PRINTED NAME: Anna Kalam
PLACE OF BUSINESS: Alameda Properties, Oakland, CA
EXPIRATION DATE: March 2, 2007
County - Alameda
Commission No. 1253651



BENEFICIARY'S ACKNOWLEDGMENT

STATE OF CALIFORNIA } S.S.
COUNTY OF ALAMEDA }
ON 12/2/2001 BEFORE ME Carol Fournon PERSONALLY APPEARED Robert Fould PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/IT/ THEY EXECUTED THE SAME IN HIS/HER/ THEIR AUTHORIZED CAPACITY(IES) AND THAT BY HIS/HER/HE/SHE/IT/THEY/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S) OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S) ACTED, EXECUTED THE INSTRUMENT.
WITNESS MY HAND:
NOTARY'S SIGNATURE: Carol Fournon
PRINTED NAME: Carol Fournon
PLACE OF BUSINESS: Alameda, CA
EXPIRATION DATE: 11/27/10
County - Alameda
Commission No. 1243773

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 88, ALAMEDA COUNTY RECORDS. THE PURPOSE OF THE AMENDMENT IS TO AMEND THE LOCATION OF THE PRIVATE STORM DRAIN EASEMENT (P.S.D.E.), THE CONSERVATION EASEMENT AND THE 10' RESERVE (RSV), AND ADD A 5' PUBLIC UTILITY EASEMENT (P.U.E.) ON LOTS 1 THROUGH 20. Recorded on 11-16-01 # 96-009102

COUNTY RECORDER'S STATEMENT

FILED FOR RECORD THIS 20th DAY OF March, 2001, AT 9:00 A.M. IN BOOK 222 OF MAPS AT PAGES 85 THROUGH 150 AT THE REQUEST OF FIRST AMERICAN TITLE INSURANCE COMPANY IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA.

PATRICK O'CONNELL, COUNTY RECORDER IN AND FOR THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA
BY: [Signature]
DEPUTY COUNTY RECORDER

SURVEYOR'S STATEMENT

I HEREBY STATE THAT THIS SURVEY AND FINAL MAP WAS MADE BY ME OR UNDER MY DIRECT SUPERVISION IN CONFORMANCE WITH THE REQUIREMENTS OF THE "SUBDIVISION MAP ACT" AND LOCAL ORDINANCE; THAT THE SURVEY WAS MADE AS THE TIME INDICATED ON THE ORIGINAL MAP AND IS TRUE AND COMPLETE AS SHOWN, THAT ALL THE MONUMENTS ARE OF A CHARACTER AND OCCUPY THE POSITIONS INDICATED; THAT THE EXTERIOR PROPERTY LINE MONUMENTS AND THE INTERIOR AND EXTERIOR STREET MONUMENTS HAVE BEEN SET AS STATED ON THE ORIGINAL MAP (BOOK 222 OF MAPS AT PAGES 85 THROUGH 88, INCLUSIVE) AND THAT SUCH MONUMENTS ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED. THIS AMENDING MAP IS BEING FILED PURSUANT TO SECTION 8848 OF THE SUBDIVISION MAP ACT OF THE STATE OF CALIFORNIA TO AMEND THE LOCATION OF THE PRIVATE STORM DRAIN EASEMENT (P.S.D.E.), THE CONSERVATION EASEMENT AND THE 10' RESERVE (RSV) AND ADD THE 5' PUBLIC UTILITY EASEMENT (P.U.E.) ON LOTS 1-20.

DATED: 20/12/2001
BY: [Signature]
WILL MARTIN, P.L.S. #5797
EXPIRES: 08/30/2004



CITY ENGINEER'S STATEMENT

I, CALVIN N. WONG, DIRECTOR OF BUILDING SERVICES, HAVING BEEN AUTHORIZED TO PERFORM THE FUNCTIONS OF THE CITY ENGINEER OF THE CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, FOR THE PURPOSE OF REVIEWING SUBDIVISION MAPS, DO HEREBY CERTIFY THAT I HAVE EXAMINED THE HEREON EMBODIED MAP ENTITLED "AMENDING TRACT 6249"; THAT THE SUBDIVISION SHOWN UPON SAID MAP IS SUBSTANTIALLY THE SAME AS THAT APPEARING ON THE TENTATIVE MAP AND ANY ALTERNATIVE THEREOF; THAT SAID MAP COMPLIES WITH ALL PROVISIONS OF THE SUBDIVISION MAP ACT OF THE GOVERNMENT CODE AND LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP; AND THAT I AM SATISFIED THAT THE MAP IS TECHNICALLY CORRECT.
IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS 20th DAY OF March, 2001.

Calvin Wong
CALVIN N. WONG, P.E., 25775
[Reg. Exp. Date: 12-31-2001]
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, STATE OF CALIFORNIA, HEREBY STATE THAT SAID COUNCIL BY RESOLUTION ADOPTED AT A REGULAR MEETING ON THE 23rd DAY OF DECEMBER, 2000, DID DULY APPROVE THE WITHIN MAP

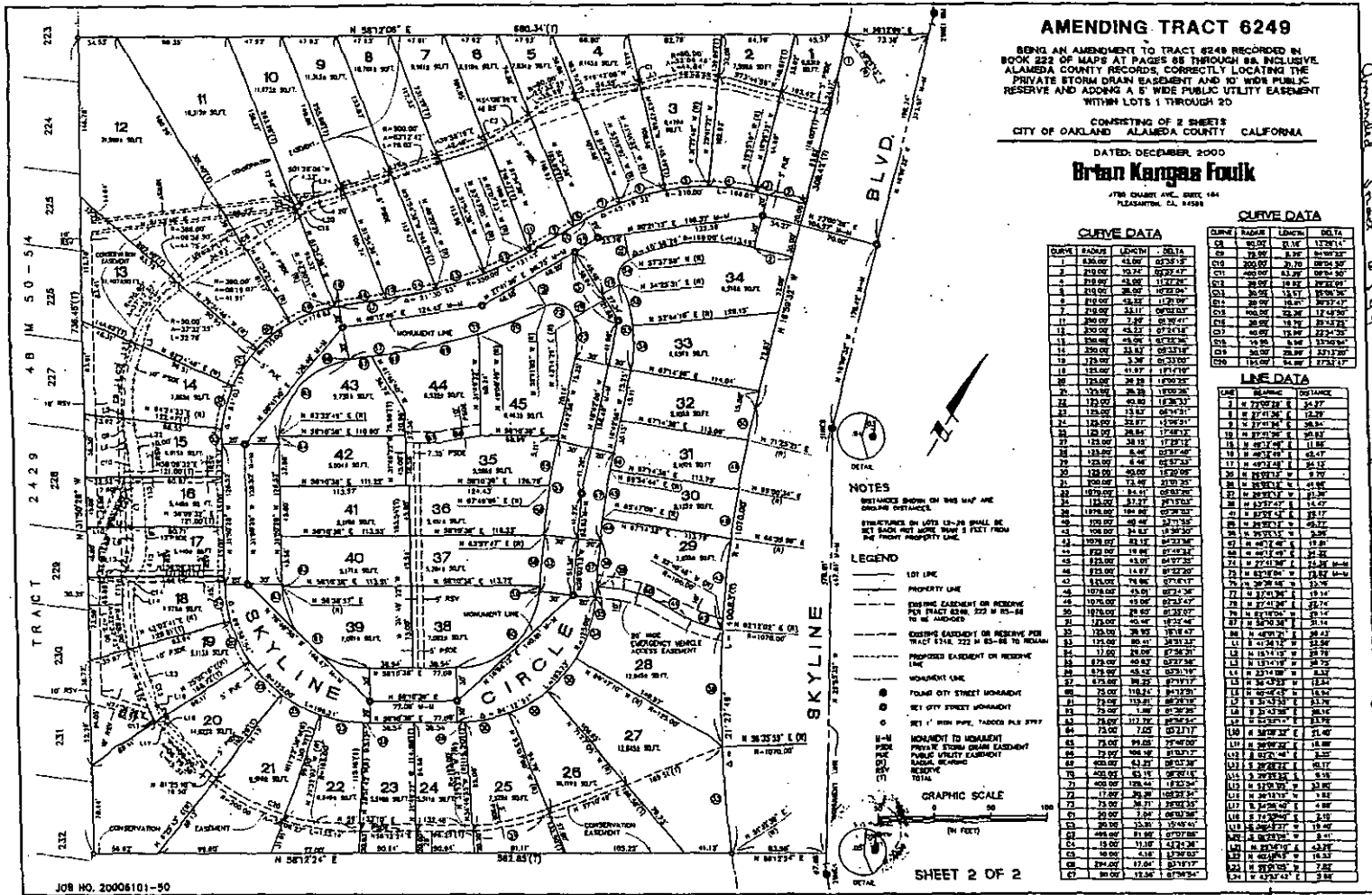
IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS 27th DAY OF February, 2001.

Ceda Floyd
DATED: 2-27-01
CEDA FLOYD, CITY CLERK OF THE CITY COUNCIL OF THE CITY OF OAKLAND, CALIFORNIA

SHEET 1 OF 2
20006101-50

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 A2



AMENDING TRACT 6249

BEING AN AMENDMENT TO TRACT 6249 RECORDED IN
 BOOK 222 OF MAPS AT PAGES 88 THROUGH 89, INCLUSIVE
 ALAMEDA COUNTY RECORDS, CORRECTLY LOCATING THE
 PRIVATE STORM DRAIN EASEMENT AND 10' 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

Brian Kansas Fouik

1780 CHERRY AVE., SUITE 104
 PLEASANTON, CA 94588

CURVE DATA

CURVE	RADIUS	LENGTH	DELTA
1	630.00	43.00	04°38'12"
2	210.00	20.00	09°00'00"
3	210.00	20.00	11°27'24"
4	210.00	20.00	14°28'00"
5	210.00	20.00	18°00'00"
6	210.00	20.00	21°36'00"
7	210.00	20.00	25°28'00"
8	210.00	20.00	29°28'00"
9	210.00	20.00	33°36'00"
10	210.00	20.00	37°52'00"
11	210.00	20.00	42°16'00"
12	210.00	20.00	46°48'00"
13	210.00	20.00	51°28'00"
14	210.00	20.00	56°16'00"
15	210.00	20.00	61°12'00"
16	210.00	20.00	66°16'00"
17	210.00	20.00	71°36'00"
18	210.00	20.00	76°72'00"
19	210.00	20.00	81°36'00"
20	210.00	20.00	86°56'00"
21	210.00	20.00	92°16'00"
22	210.00	20.00	97°36'00"
23	210.00	20.00	102°56'00"
24	210.00	20.00	108°16'00"
25	210.00	20.00	113°36'00"
26	210.00	20.00	118°56'00"
27	210.00	20.00	124°16'00"
28	210.00	20.00	129°36'00"
29	210.00	20.00	134°56'00"
30	210.00	20.00	140°16'00"
31	210.00	20.00	145°36'00"
32	210.00	20.00	150°56'00"
33	210.00	20.00	156°16'00"
34	210.00	20.00	161°36'00"
35	210.00	20.00	166°56'00"
36	210.00	20.00	172°16'00"
37	210.00	20.00	177°36'00"
38	210.00	20.00	182°56'00"
39	210.00	20.00	188°16'00"
40	210.00	20.00	193°36'00"
41	210.00	20.00	198°56'00"
42	210.00	20.00	204°16'00"
43	210.00	20.00	209°36'00"
44	210.00	20.00	214°56'00"
45	210.00	20.00	220°16'00"

LINE DATA

LINE	BEARING	DISTANCE
1	N 77°00'00" E	24.72
2	N 77°00'00" E	14.72
3	N 77°00'00" E	24.72
4	N 77°00'00" E	24.72
5	N 77°00'00" E	24.72
6	N 77°00'00" E	24.72
7	N 77°00'00" E	24.72
8	N 77°00'00" E	24.72
9	N 77°00'00" E	24.72
10	N 77°00'00" E	24.72
11	N 77°00'00" E	24.72
12	N 77°00'00" E	24.72
13	N 77°00'00" E	24.72
14	N 77°00'00" E	24.72
15	N 77°00'00" E	24.72
16	N 77°00'00" E	24.72
17	N 77°00'00" E	24.72
18	N 77°00'00" E	24.72
19	N 77°00'00" E	24.72
20	N 77°00'00" E	24.72
21	N 77°00'00" E	24.72
22	N 77°00'00" E	24.72
23	N 77°00'00" E	24.72
24	N 77°00'00" E	24.72
25	N 77°00'00" E	24.72
26	N 77°00'00" E	24.72
27	N 77°00'00" E	24.72
28	N 77°00'00" E	24.72
29	N 77°00'00" E	24.72
30	N 77°00'00" E	24.72
31	N 77°00'00" E	24.72
32	N 77°00'00" E	24.72
33	N 77°00'00" E	24.72
34	N 77°00'00" E	24.72
35	N 77°00'00" E	24.72
36	N 77°00'00" E	24.72
37	N 77°00'00" E	24.72
38	N 77°00'00" E	24.72
39	N 77°00'00" E	24.72
40	N 77°00'00" E	24.72
41	N 77°00'00" E	24.72
42	N 77°00'00" E	24.72
43	N 77°00'00" E	24.72
44	N 77°00'00" E	24.72
45	N 77°00'00" E	24.72

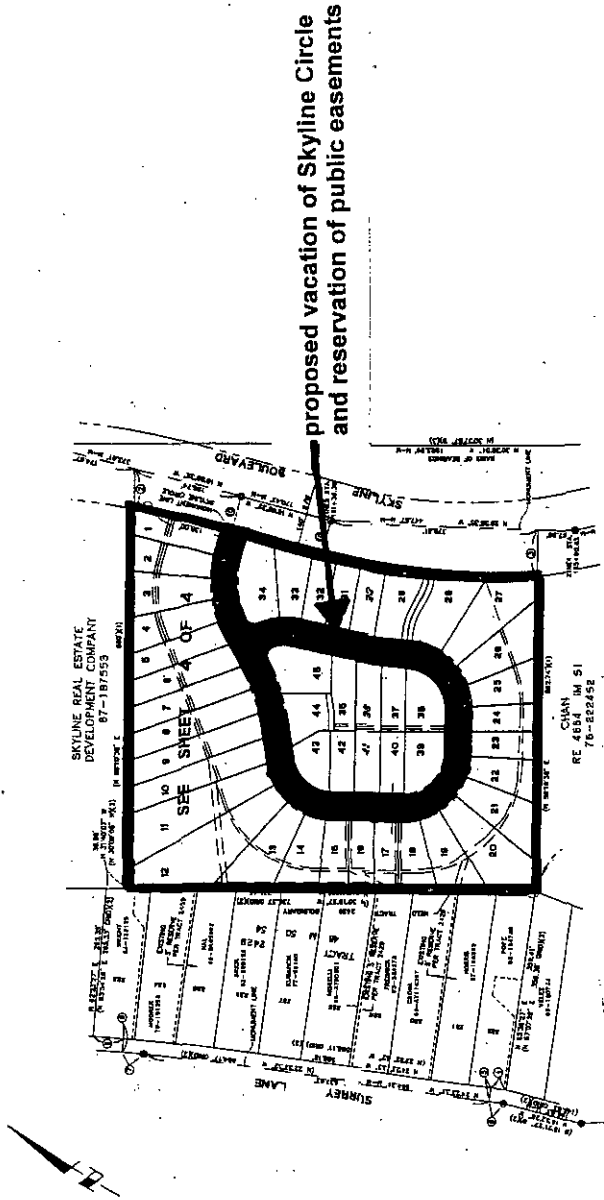
NOTES
 DISTANCES SHOWN ON THIS MAP ARE
 CURVILINE DISTANCES.
 STRUCTURES ON LOTS 15-24 SHALL BE
 SET BACK NOT MORE THAN 5 FEET FROM
 THE FRONT PROPERTY LINE.
LEGEND
 LOT LINE
 PROPERTY LINE
 EASEMENT ON RESERVE
 FOR TRACT 6249, 222 N 85-88
 N 46-48 ADJACENT
 EASEMENT ON RESERVE FOR
 TRACT 6249, 222 N 85-88 TO REMAIN
 LINE
 PROPOSED EASEMENT ON RESERVE
 LINE
 MONUMENT LINE
 FOUND CITY STREET MONUMENT
 SET CITY STREET MONUMENT
 SET 1" WIDE PAPE, TAPPED PILE 3757
 MONUMENT TO REMAIN
 PRIVATE STORM DRAIN EASEMENT
 PUBLIC UTILITY EASEMENT
 PUBLIC UTILITY
 RESERVE
 TOTAL
GRAPHIC SCALE
 IN FEET
 SHEET 2 OF 2

2257 A 40

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.