

Introduced by

Councilmember

OFFICE OF THE CLERK
2006 APR 10 11:14:33

Approved for Form and Legality

City Attorney

OAKLAND CITY COUNCIL

Resolution No. 8 1 2 3 1 C.M.S.

RESOLUTION SUMMARILY AND CONDITIONALLY VACATING TURNER COURT TO TURNER ESTATES PARTNERS LP AND CONDITIONALLY ACCEPTING PUBLIC SERVICE EASEMENT DEDICATIONS

WHEREAS, pursuant to California Streets and Highways Code Section 8330 et seq., the owner, Turner Estates Partners LP, a California limited partnership (no.200716510137), of ten (10) of the original eleven (11) lots comprising Tract No. 4726, as identified by the Alameda County Assessor with parcel numbers 048-6264-004-00 through 048-6264-013-00, inclusive, has made an application to the Council of the City for the summary vacation all of the public right-of-way identified as Turner Court on the Final Map for said Tract, recorded February 16, 1984, book of maps 142, pages 83 and 84, by the Alameda County Recorder; and

WHEREAS, the City Clerk and Clerk of the Council of the City of Oakland accepted the dedication of Turner Court as public right-of-way without conditions in 1983, as shown on said Final Map and in Resolution No. 61836 C.M.S. of the Council of the City of Oakland; and

WHEREAS, pursuant to said sections of the California Streets and Highways Code, the City Engineer of the City of Oakland has determined the following:

- the owner of said ten (10) undeveloped properties abutting Turner Court owns the underlying fee simple interest in the public right-of-way proposed to be vacated; and
- the proposed vacation, which does not encumber a fifty (50) feet wide public access easement crossing the rear of lot 4 (048-6264-007-00) and lot 6 (048-6264-009-00) and identified as Trail C on said Final Map, 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
- the proposed vacation requires a dedication of a public service easement for existing and future publicly maintained utilities; and that
- the proposed vacation requires a dedication of a public service easement for access by emergency vehicles and personnel; and that
- Turner Court has been impassable for vehicular traffic in the twenty-four (24) intervening years since said Final Map was recorded, and no public money has been expended for maintenance on the street during this period of time; and, therefore,
- Turner Court may be vacated summarily by Resolution of the Council of the City of Oakland; and

WHEREAS, pursuant to California Government Code Section 65402, the Secretary of the Planning Commission of the City of Oakland has determined the proposed vacation conforms with the adopted General Plan of the City of Oakland; and

WHEREAS, the Secretary of the Planning Commission has further determined that the proposed vacation conforms with the conditions and requirements of the Tentative Map for Tract No. 4726, as approved on November 19, 1980; and

WHEREAS, the owner has filed an application (PPE 070003) with the City Engineer, as required by the Oakland Municipal Code, and paid all fees to the City of Oakland, as required by the Master Fee Schedule, for the administrative processing of said vacation; and

WHEREAS, the Final Map for Tract No. 4726 delineating the metes and bounds of the extent and location of Turner Court is attached hereto as Exhibit A; and

WHEREAS, the requirements of the California Environmental Quality Act (CEQA), the Guidelines as prescribed by the Secretary of Resources, and the provisions of the Statement of Objectives, Criteria and Procedures for Implementation of the California Environmental Quality Act: City of Oakland, have been satisfied, and that in accordance with CEQA Guidelines Section 15301 (existing facilities) this project is categorically exempted; now, therefore, be it

RESOLVED: That the action of the Council of the City of Oakland approving the summary vacation of Turner Court, as conditioned herein, complies with the California Environmental Quality Act; and be it

FURTHER RESOLVED: That the summary vacation of Turner Court, as delineated in the attached Exhibit A, is hereby ordered; and be it

FURTHER RESOLVED: That, pursuant to California Government Code Section 66412, said vacation is hereby conditioned upon the filing of a Parcel Map with the City Engineer; and be it

FURTHER RESOLVED: That, pursuant to Oakland Municipal Code Section 16.24.020, the Director of City Planning may waive the requirement for filing a Tentative Parcel Map; and be it

FURTHER RESOLVED: That said Parcel Map shall also identify and delineate the dedication of private access easements within the limits of Turner Court for the benefit of said lots; and be it

FURTHER RESOLVED: That, pursuant to Oakland Municipal Code Section 16.32.020, each of said private access easements shall serve not more than four (4) of said lots; and be it

FURTHER RESOLVED: That said Parcel Map shall be filed with the City Engineer with sufficient time for review before the expiration of said vacation as set forth herein; and be it

FURTHER RESOLVED: That said Parcel Map shall identify the vacation of the public right-of-way of Turner Court and delineate the metes and bounds of the extent and locations of the adjustments of the boundaries of the properties adjoining said vacation; and be it

FURTHER RESOLVED: That said Parcel Map shall also identify and delineate the dedication of a subsurface, surface, and overhead public service easement across the full width and along

the full length of Turner Court for the installation, repair, replacement, and removal of and access to publicly maintained utilities; and be it

FURTHER RESOLVED: That said Parcel Map shall also identify and delineate the dedication of a public service easement across the full width and along the full length of Turner Court for access by emergency vehicles and personnel; and be it

FURTHER RESOLVED: That said dedication on said Parcel Map shall also set forth that the adjoining property owners shall be 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, electrical 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 be it

FURTHER RESOLVED: That no Certificate of Occupancy or temporary Certificate of Occupancy shall be issued by the Building Official of the City of Oakland for any residence or other building requiring said document unless and until said parcel Map has been filed with and recorded by the Alameda County Recorder; and be it

FURTHER RESOLVED: That the conditions of this Resolution shall equally bind the representatives of the owner and its heirs, successors, assigns, beneficiaries, and successors in interest; and be it

FURTHER RESOLVED: That, pursuant to California Streets and Highways Code Section 8336, said vacation shall not be complete unless and until this Resolution has been filed with and recorded by the Alameda County Recorder; and be it

FURTHER RESOLVED: That said vacation shall expire by limitation and become void should said Parcel Map, as reviewed and approved by the City Engineer, fail to be filed with and recorded by the Alameda County Recorder within three-hundred and sixty-five (365) consecutive days following approval of this Resolution by the Council of the City of Oakland.

IN COUNCIL, OAKLAND, CALIFORNIA, APR 15 2008, 2008

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, CHANG, ~~KERNIGHAN~~, NADEL, QUAN, REID, AND
PRESIDENT DE LA FUENTE - 7

NOES - 0

ABSENT - 0

ABSTENTION - 0

Excused - Kernighan - 1

ATTEST:

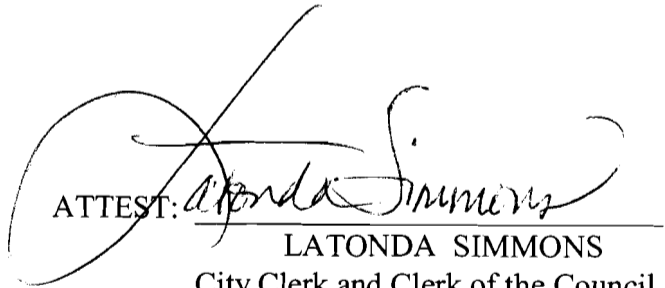

LATONDA SIMMONS
City Clerk and Clerk of the Council
of the City of Oakland, California

EXHIBIT A

Location Map For Turner Court

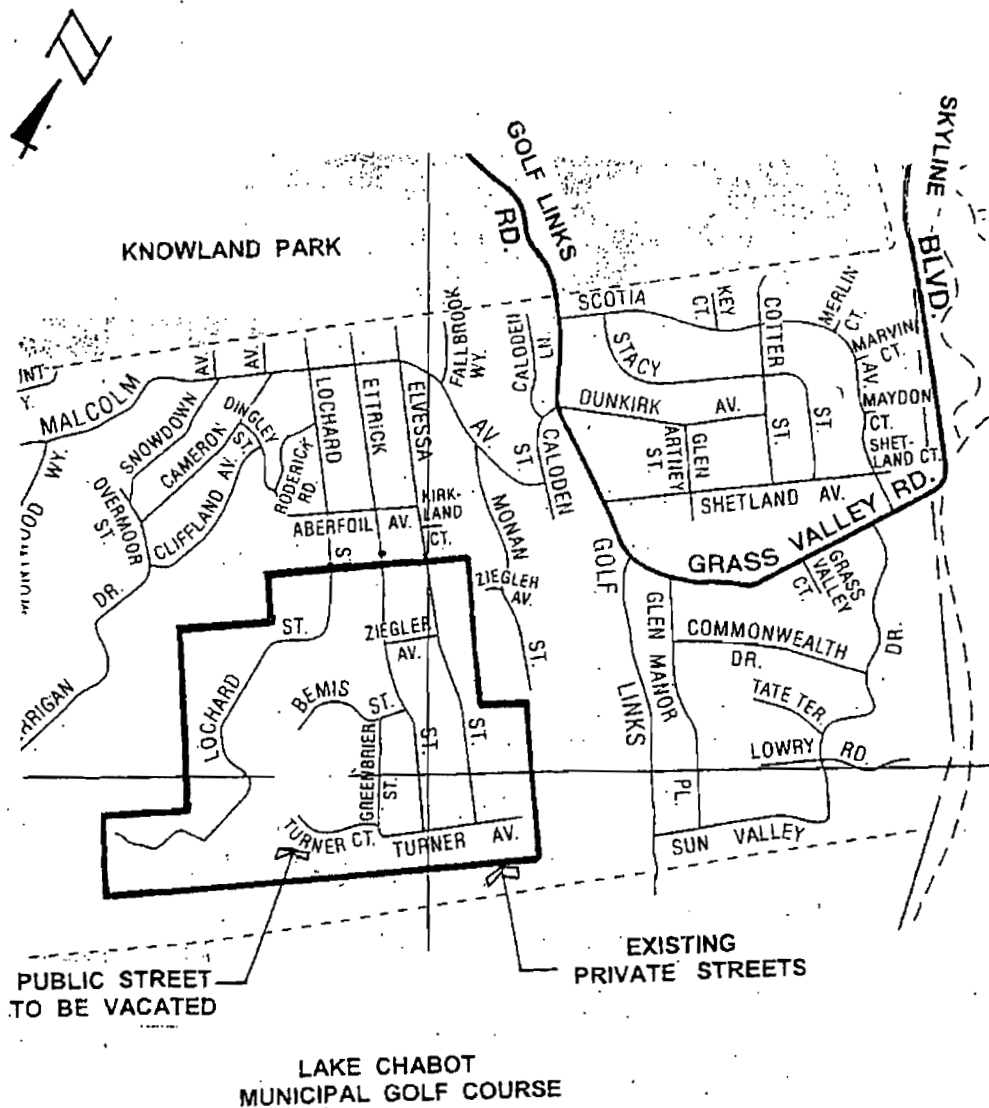


EXHIBIT A

Location Map For Assessor's Parcels - Tract 4726

PROPERTIES OWNED BY
TURNER ESTATES PARTNERS

ASSESSOR'S MAP 48

6264

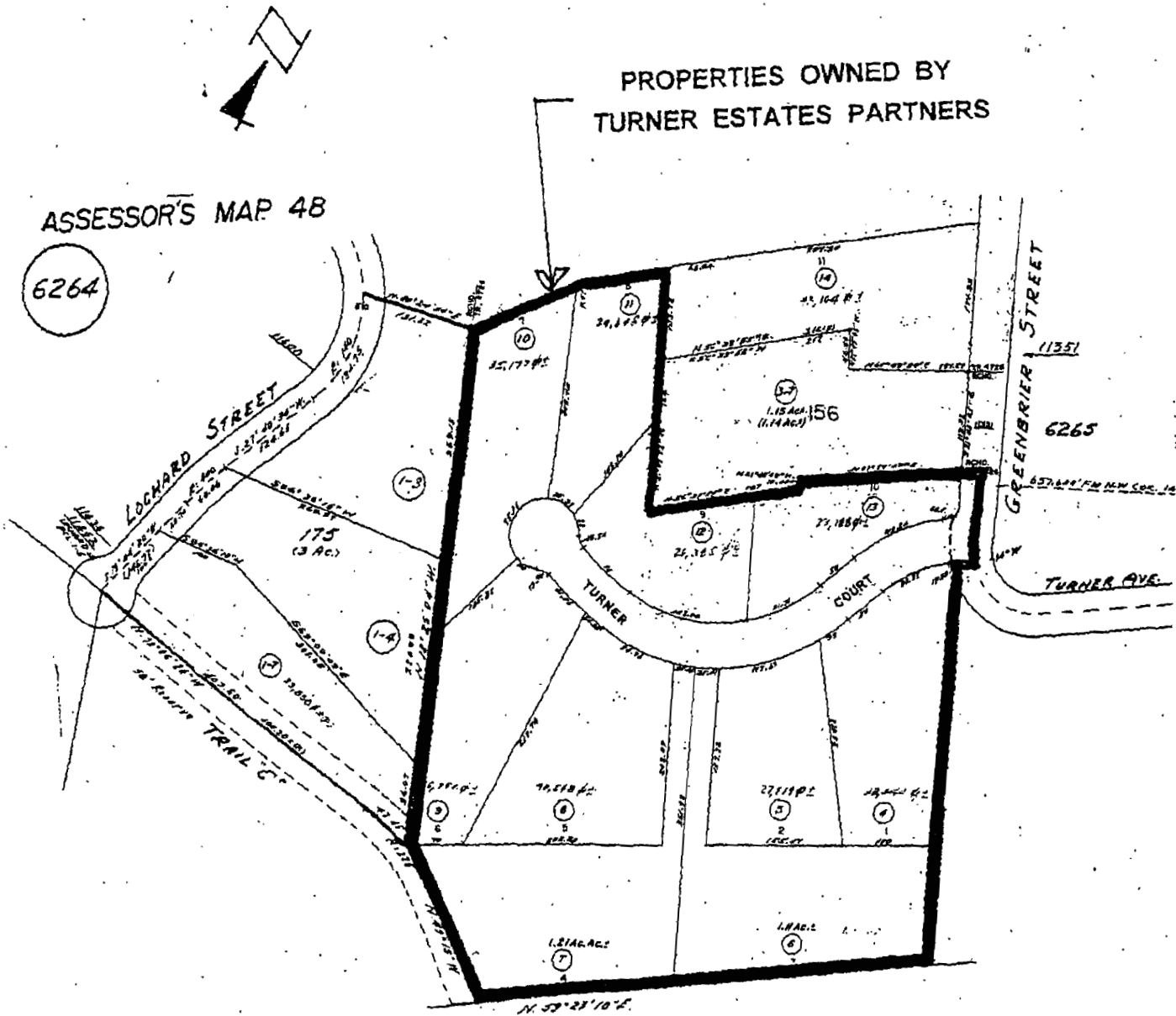
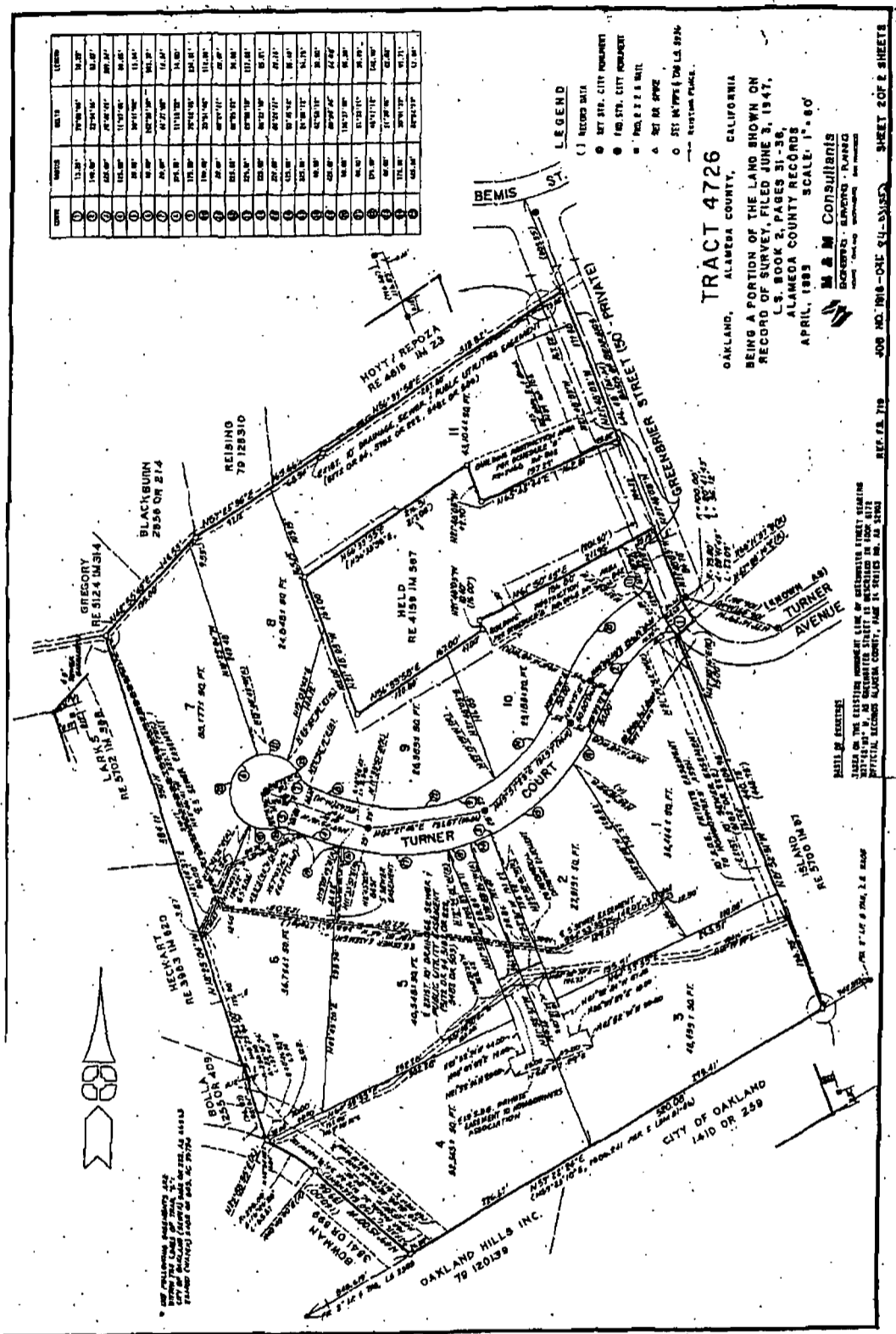


EXHIBIT A

Subdivision Map For Tract No. 4762



LOT	AREA	ACRES	RECORD
1	11,331	.258	RE 5124
2	14,400	.330	RE 5124
3	23,200	.535	RE 5124
4	24,500	.563	RE 5124
5	11,400	.262	RE 5124
6	30,000	.690	RE 5124
7	28,000	.645	RE 5124
8	20,000	.458	RE 5124
9	20,000	.458	RE 5124
10	10,000	.229	RE 5124
11	10,000	.229	RE 5124
12	10,000	.229	RE 5124
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100	10,000	.229	RE 5124

LEGEND
() RECORD DATA
● SET STR. CITY MONUMENT
○ 1/4 IN. DIA. CITY MONUMENT
■ 1/4 IN. DIA. CITY MONUMENT
▲ SET IN SPRING
○ SET IN SPRING (1947)
○ SET IN SPRING (1947)

TRACT 4762
OAKLAND, ALAMEDA COUNTY, CALIFORNIA
BEING A PORTION OF THE LAND SHOWN ON
RECORD OF SURVEY, FILED JUNE 3, 1947,
L.S. BOOK 2, PAGES 31-36,
ALAMEDA COUNTY RECORDS
APRIL, 1989
SCALE: 1" = 60'
J. B. B. CONSULTANTS, INC.
1400 BROADWAY, OAKLAND, CALIFORNIA 94612
408 1918-ONE (41-5155) SHEET 2 OF 8 SHEETS

