

*Mark P. Wood*  
CITY ATTORNEY

**ORDINANCE No. 12572 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,

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~~

JAN - 6 2004

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, BRUNNER, CHAN, CHANG, NADEL, ~~REID~~, WAN AND  
PRESIDENT DE LA FUENTE -7

NOES- 0


ABSENT- 0

ABSTENTION- 0

EXCUSED - REID - 1

Introduction Date: DEC 16 2003

ATTEST:



DEYANIRA FLOYD  
City Clerk and Clerk of the Council  
Of the City of Oakland, California

EXHIBIT 'A'

B.H. 10

3304  
3303  
3302  
3301

3312

Grand

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3204

11 20

28/2

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24/6

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27

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23/9

22/10

21/11

Walker

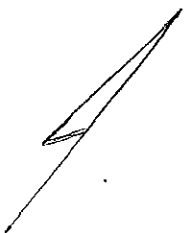
725  
724  
723

Wickson Ave.

SEWER EASEMENT  
TO BE ABANDONED

Cheney Ave.

Lower River Ave.



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

MPW

**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.

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

This Ordinance was introduced at the City Council meeting Tuesday evening December 16, 2003, and passed to print a copy being on final action has been scheduled for the City Council meeting Tuesday evening January 6, 2004, 6:00 p.m., at One Frank H. Ogawa Plaza, Council Chambers, on the third floor in Oakland, California.

Three full copies are available for use and examination by the public in the Office of the City Clerk at One Frank H. Ogawa Plaza, 1st floor, Oakland, California.

**CEDA FLOYD, City Clerk**

The Oakland Tribune, #316805  
January 3, 2004

# Oakland Tribune

c/o ANG Newspapers  
401 13th Street  
Oakland, CA 94612  
Legal Advertising  
(800) 595-9595 opt.4

CITY OF OAKLAND  
1 FRANK OGAWA PLAZA, 2ND FLOOR (CITY HALL), ATTN: DENISE VEJMOLA  
OAKLAND CA 94612

## PROOF OF PUBLICATION

### FILE NO.

In the matter of

### ORDINANCE VACATING FIVE-FOOT WIDE SEWER EASEMENT 711&717 WALKER AVE

The Oakland Tribune

I am a citizen of the United States; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the Legal Advertising Clerk of the printer and publisher of The Oakland Tribune, a newspaper published in the English language in the City of Oakland, County of Alameda, State of California.

I declare that The Oakland Tribune is a newspaper of general circulation as defined by the laws of the State of California as determined by this court's order, dated December 6, 1951, in the action entitled In the Matter of the Ascertainment and Establishment of the Standing of The Oakland Tribune as a Newspaper of General Circulation, Case Number 237798. Said order states that "The Oakland Tribune is a newspaper of general circulation within the City of Oakland, and the County of Alameda, and the State of California, within the meaning and intent of Chapter 1, Division 7, Title 1 [ §§ 6000 et seq. ], of the Government Code of the State of California. "Said order has not been revoked, vacated, or set aside.

I declare that the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

1/3/04

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.

Amere Sells

Public Notice Advertising Clerk

Legal No. 0000316895

### 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

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#### Notice of Publication

This Ordinance was introduced at the City Council meeting, Tuesday evening December 16, 2003, and passed to print 8 Ayes. Hearing on final adoption has been scheduled for the City Council meeting Tuesday evening January 6, 2004, 6:00 p.m., at One Frank H. Ogawa Plaza, Council Chambers, on the third floor in Oakland, California.

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CEDA FLOYD, City Clerk

The Oakland Tribune, #316895  
January 3, 2004

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND  
04 JAN - 8 PM 4:25