


CITY ATTORNEY'S OFFICE

OAKLAND CITY COUNCIL

RESOLUTION NO. _____ C.M.S.

**RESOLUTION SUMMARILY VACATING A PUBLIC UTILITY EASEMENT
LOCATED AT 747 52ND STREET TO THE PROPERTY OWNER, CHILDREN'S
HOSPITAL & RESEARCH CENTER AT OAKLAND, AND ADOPTING
APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT ("CEQA")
FINDINGS**

WHEREAS, Children's Hospital & Research Center at Oakland ("Owner"), as the owner of real properties described in Grant Deed, recorded December 15, 2020, Series No. 20200351006, by the Alameda County Clerk-Recorder, has made an application (PPE2500056) requesting the City Council of the City of Oakland to summarily vacate an existing ten-foot wide public utility easement located on the subject properties addressed as 747 52nd Street; and

WHEREAS, said public utility easement was originally an existing ten-foot-wide public path 'dedicated for sidewalk purposes only' on that certain map entitled "Map of Santa Fe Tract No. 12, Oakland, Calif.," filed July 10, 1905 in Map Book No. 20, at page 49, in the Office of the Recorder of Alameda County, California; and

WHEREAS, on May 18, 1967, the City Council adopted Resolution No. 7637 C.M.S., finding and determining that said public path is unnecessary for present or prospective path purposes; and ordering the vacation of said portion of public path; subject, however, to the reservation and exceptance, from the vacation, of the easement and right to construct, maintain, and operate fire alarm lines, communication lines, and electrical transmission and distribution lines, and all appurtenances thereto, in and over the portion of path proposed to be vacated (public utility easement); and

WHEREAS, on or about July 3, 2024, the Regents of the University of California on behalf of the University of California, San Francisco certified the Final Environmental Impact Report (2024 EIR) for the UCSF Benioff Children's Hospital Oakland New Hospital Building Project (State Clearinghouse Number 2023050540) that provides for the development of new and replacement facilities within its existing 11-acre campus located at 747 52nd Street; and

WHEREAS, the planned location of said new hospital building overlaps with the location of the existing public utility easement; and

WHEREAS, Owner has coordinated with Pacific Gas & Electric (“PG&E”) to relocate its existing facilities that were within the subject public utility easement and has recorded with Alameda County Clerk-Recorder a PG&E Easement Deed on May 23, 2025, Instrument No. 2025067819, for the relocated PG&E facilities that shall remain; and

WHEREAS, the City Engineer has therefore determined and verified that there are no longer any public utilities within the public utility easement proposed for vacation, and that said easement is no longer needed by the City and the utilities companies for future infrastructure improvements; and

WHEREAS, pursuant to the California Streets and Highways Code, sections 8333 and 8334.5, the legislative body of a local agency may summarily vacate a public service easement when the easement has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities within the easement; the vacation will not occur until all the conditions have been satisfied, and that the City Administrator is instructed to not record the vacation until these conditions have been satisfied; and

WHEREAS, this action complies with CEQA because the New Hospital Building Project was analyzed under the 2024 Environmental Impact Report (2024 EIR) and this action supports the Regent-approved entitlements that were analyzed under the 2024 EIR; and

WHEREAS, there are no circumstances pursuant to CEQA Guidelines section 15162 or 15164 that would necessitate further environmental review; and therefore, be it

RESOLVED: That the City Council has reviewed all relevant documents relating to the summary vacation of the public utility easement that is the subject of this Resolution; and be it

FURTHER RESOLVED: That the summary vacation proposed by this Resolution is made under the authorization provided by California Streets and Highway Code Division 9, Part 3, Chapter 4;

FURTHER RESOLVED: That the public utility easement has been superseded by relocation, determined to be excess by the easement holder, and there are no other public facilities within the easement; and be it

FURTHER RESOLVED: That the summary vacation of the public utility easement to the Owner, as delineated in **Exhibit A** and **Exhibit B** and as conditioned herein, is hereby granted; and be it

FURTHER RESOLVED: That said vacation is hereby conditioned by the following special requirements:

1. the Owner, by the acceptance of this vacation of the existing public utility easement, agrees and promises to indemnify, defend, and hold harmless the City of Oakland and its officials, officers, agents, employees, representatives and volunteers, to the maximum extent permitted by law, from any and all claims, demands, liabilities, damages, actions, causes of action, penalties, fines, liens, judgments, costs, or expenses whatsoever arising out of or caused by the vacation of said public service easement and regardless of responsibility for negligence; and

2. the Owner acknowledges that the City of Oakland makes no representations or warranties as to the conditions beneath the existing public utility easement; and that by accepting this vacation, the Owner agree that they will use the easement area in the future at their own risk, and are responsible for their activities and the activities of their workmen operating within the vacated area and for their own safety and the safety of any of their personnel; and
3. the Owner acknowledges that the City of Oakland is unaware of the existence of any hazardous substances beneath the easement areas, and hereby waive and fully release and forever discharge the City of Oakland and its officials, officers, directors, employees, agents, representatives and volunteers from any and all claims, demands, liabilities, damages, actions, causes of action, penalties, fines, liens, judgments, costs, or expenses whatsoever (including, without limitation, attorneys' fees and costs), whether direct or indirect, known or unknown, foreseen or unforeseen, that may arise out of or in any way connected with the physical condition, or required remediation of the vacated area or any law or regulation applicable thereto, including, without limitation, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (42 U.S.C. Sections 9601 et seq.), the Resource Conservation and Recovery Act of 1976 (42 U.S.C. Section 6901 et seq.), the Clean Water Act (33 U.S.C. Section 466 et seq.), the Safe Drinking Water Act (14 U.S.C. Sections 1401-1450), the Hazardous Materials Transportation Act (49 U.S.C. Section 1801 et seq.), the Toxic Substance Control Act (15 U.S.C. Sections 2601-2629), the California Hazardous Waste Control Law (California Health and Safety Code Sections 25100 et seq.), the Porter-Cologne Water Quality Control Act (California Health and Safety Code Section 13000 et seq.), the Hazardous Substance Account Act (California Health and Safety Code Section 25300 et seq.), and the Safe Drinking Water and Toxic Enforcement Act (California Health and Safety Code Section 25249.5 et seq.); and
4. the Owner further acknowledges that they understand and agree that they hereby expressly waive all rights and benefits which they now have or in the future may have, under and by virtue of the terms of California Civil Code Section 1542, which reads as follows: "A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM MUST HAVE MATERIALLY AFFECTED HIS SETTLEMENT WITH THE DEBTOR"; and
5. the Owner recognizes that by waiving the provisions of Civil Code Section 1542, they will not be able to make any claims for damages that may exist, and to which, if known, would materially affect their decision to request said vacation, regardless of whether Owner's lack of knowledge is the result of ignorance, oversight, error, negligence, or any other cause; and
6. the hereinabove conditions shall be binding upon the Owner and their successors, heirs, and assigns, and upon the successive owners of said property; and be it

FURTHER RESOLVED: That this action also complies with CEQA because they were analyzed under the 2024 Environmental Impact Report (2024 EIR) and this action supports the Regent-approved entitlements that were analyzed under the 2024 EIR; As such, there are no

circumstances pursuant to CEQA Guidelines sections 15162 and 15164 that would necessitate further environmental review; and be it

FURTHER RESOLVED: That pursuant to California Streets and Highway Code Section 8336, the City Clerk of the City of Oakland is hereby directed to file a certified copy of this Resolution for recordation by the Alameda County Clerk-Recorder.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - BROWN, FIFE, GALLO, HOUSTON, RAMACHANDRAN, UNGER, WANG
AND PRESIDENT JENKINS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____
ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California

Exhibit A: Legal Description of the Public Utility Easement Proposed for Vacation (1 page)

Exhibit B: Plat of the Public Utility Easement Proposed for Vacation (1 page)

EXHIBIT "A"
LEGAL DESCRIPTION
U.C.S.F BENIOFF CHILDREN'S HOSPITAL - OAKLAND
PATH UTILITY EASEMENT VACATION

ALL THAT CERTAIN REAL PROPERTY IN THE CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, BEING A PORTION OF THAT CERTAIN PUBLIC PATH TEN (10) FEET IN WIDTH DESIGNATED AS BEING "DEDICATED FOR SIDEWALK PURPOSES ONLY" ON THE MAP OF THE SANTA FE TRACT NO. 12, AS FILED ON JULY 10, 1905 IN MAP BOOK 20 AT PAGE 49, ALAMEDA COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHEASTERLY LINE OF MARTIN LUTHER KING JR. WAY (FORMERLY GROVE STREET) AND THE NORTH LINE OF SAID PUBLIC PATH;

THENCE NORTH 81°58'34" EAST ALONG THE NORTH LINE OF SAID PATH A DISTANCE OF 312.56 FEET TO A NON-TANGENT INTERSECTION WITH THE ARC OF A CURVE, CONCAVE TO THE SOUTHEAST, IN THE WESTERLY LINE OF THE FORMER DOVER STREET;

THENCE SOUTHERLY ALONG THE ARC OF SAID CURVE, TO THE LEFT, WHOSE CENTER BEARS SOUTH 62°40'27" EAST FROM SAID POINT OF INTERSECTION, WITH RADIUS OF 40.00 FEET AND CENTRAL ANGLE OF 16°10'05" FOR AN ARC DISTANCE OF 11.29 FEET;

THENCE SOUTH 81°58'34" WEST ALONG THE SOUTH LINE OF SAID PATH, FOR A DISTANCE OF 302.37 FEET TO AN INTERSECTION WITH SAID NORTHEASTERLY LINE OF MARTIN LUTHER KING JR. WAY;

THENCE NORTH 34°47'10" WEST ALONG LAST DESCRIBED LINE, A DISTANCE OF 11.20 FEET TO THE POINT OF BEGINNING.

CONTAINING 3,072 SQUARE FEET , MORE OR LESS, OR 0.071 ACRES.

THE EASEMENT DESCRIBED HEREON IS SHOWN ON THE ATTACHED PLAT, EXHIBIT "B", AND IS BY REFERENCE, MADE A PART THEREOF.

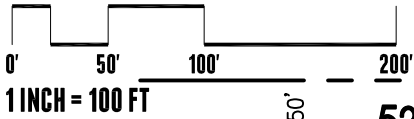
THE BEARINGS AND DISTANCES USED IN THE ABOVE DESCRIPTIONS ARE ON THE CALIFORNIA COORDINATE SYSTEM OF 1927, ZONE 3. MULTIPLY THE ABOVE DISTANCES BY 1.0000720 TO OBTAIN GROUND LEVEL DISTANCES.

THIS LEGAL DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION PURSUANT TO THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYOR'S ACT.

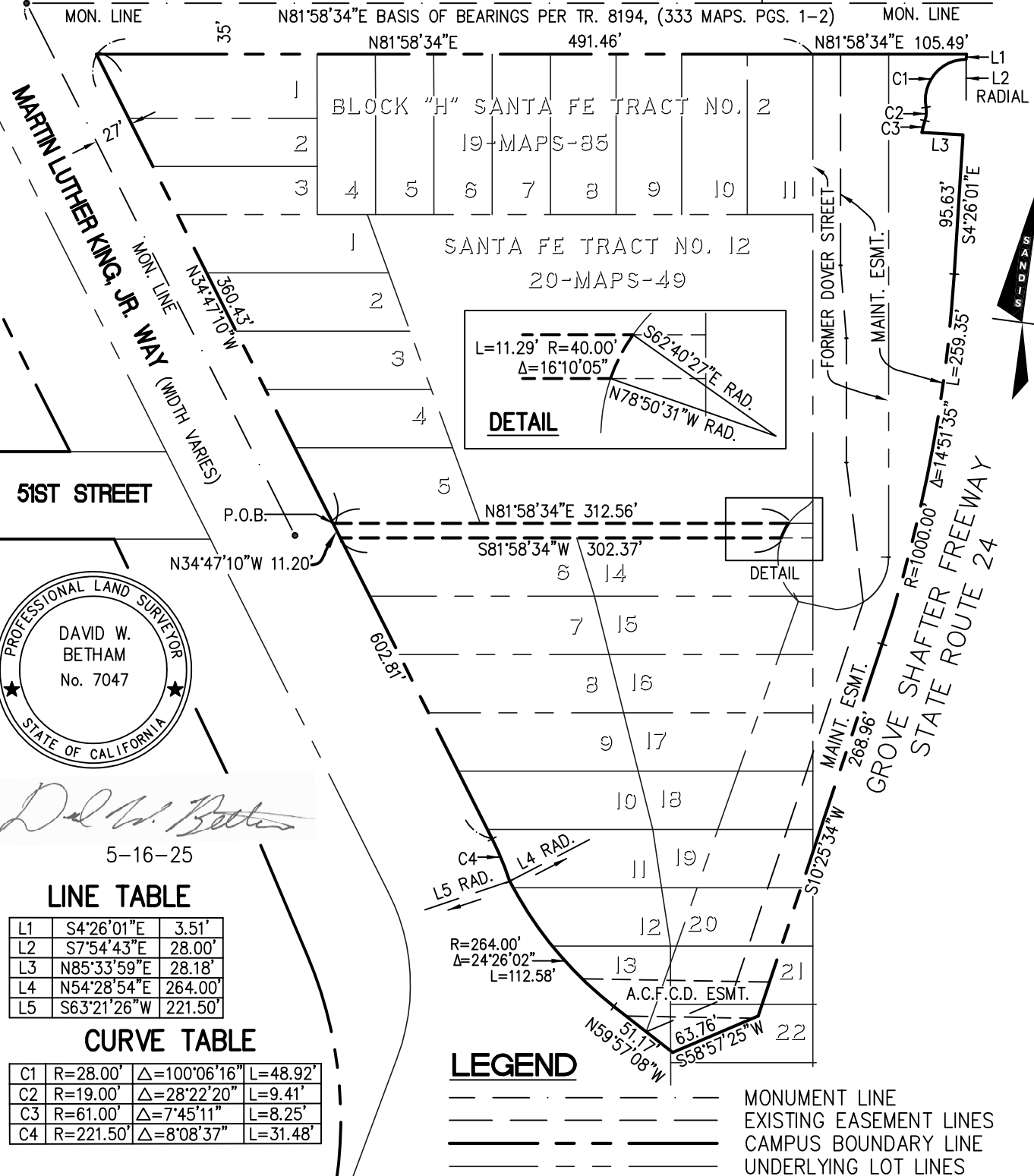

DAVID W. BETHAM, PLS NO. 7047

MAY 19, 2025





52ND STREET (60 FT. R/W)



David W. Betham
5-16-25

LINE TABLE

L1	S4°26'01"E	3.51'
L2	S7°54'43"E	28.00'
L3	N85°33'59"E	28.18'
L4	N54°28'54"E	264.00'
L5	S63°21'26"W	221.50'

CURVE TABLE

C1	R=28.00'	Δ=100°06'16"	L=48.92'
C2	R=19.00'	Δ=28°22'20"	L=9.41'
C3	R=61.00'	Δ=7°45'11"	L=8.25'
C4	R=221.50'	Δ=8°08'37"	L=31.48'

LEGEND

- MONUMENT LINE
- - - EXISTING EASEMENT LINES
- CAMPUS BOUNDARY LINE
- UNDERLYING LOT LINES

PLAT TO ACCOMPANY LEGAL DESCRIPTION

EXHIBIT B



BUILD ON.
SANDIS.NET

DATE: 5-16-25
SCALE: 1"=100'
BY: DWB
PROJECT No.: 612034.F

PATH UTILITY EASEMENT VACATION
UCSF BENIOFF CHILDRENS HOSPITAL
OAKLAND CALIFORNIA

SHEET
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