



Legislation Details (With Text)

File #: 17-614 **Version:** 1 **Name:** Summary Vacation of Martinez and West Estudillo Right-of-Way and Utility Easement (SR)

Type: Staff Report **Status:** Filed

On agenda: 12/18/2017 **In control:** City Council

Enactment date: **Final action:** 12/18/2017

Enactment #:

Title: Staff Report for a Resolution to Execute Three Actions: (1) Summary Vacation of Portions of the Public Right-of-Way on Martinez Street Between West Estudillo Avenue and Thornton Avenue, and West Estudillo Avenue Between Alvarado Street and Martinez Street; (2) Summary Vacation of a 15-Foot Wide Sanitary Sewer and Storm Drain Easement Recorded in 1946 Across the Former Saunders Street; and (3) Accepting Replacement Public Service Easements at the San Leandro Tech Campus

Indexes:

Code sections:

Attachments: 1. 1. Illustration of Areas Affected by this proposed action, 2. 2. 15 Foot Wide Sanitary Sewer and Storm Drain Easement, 3. 3. Vacation Ordinance 2014-014, 4. 4. Irrevocable Offer of Dedication

Date	Ver.	Action By	Action	Result
12/18/2017	1	City Council	Received and Filed	Pass

Staff Report for a Resolution to Execute Three Actions: (1) Summary Vacation of Portions of the Public Right-of-Way on Martinez Street Between West Estudillo Avenue and Thornton Avenue, and West Estudillo Avenue Between Alvarado Street and Martinez Street; (2) Summary Vacation of a 15-Foot Wide Sanitary Sewer and Storm Drain Easement Recorded in 1946 Across the Former Saunders Street; and (3) Accepting Replacement Public Service Easements at the San Leandro Tech Campus

SUMMARY AND RECOMMENDATIONS

Staff prepared a resolution to address property rights issues at the San Leandro Tech Campus. The issues specifically involve property rights maintained by the City across public roads that were removed in order to facilitate redevelopment of the land. The vacated public roads include Martinez Street between West Estudillo Avenue and Thornton Street, West Estudillo Avenue between Martinez Street and Alvarado Street, and Saunders Street between Martinez Street and Alvarado Street. The following actions are proposed:

- (1) Summarily vacate the road right-of-way and public utility easement rights for a portion of Martinez Street and the entirety of West Estudillo Avenue, with the retained portion of Martinez Street converted into a segment of the East Bay Greenway Regional Trail.
- (2) Summarily vacate a 15-foot wide Sanitary Sewer and Storm Drain Easement reserved as part of City Council Resolution No. 801, a resolution vacating Saunders Street on June 3, 1946. The easement is no longer needed because the sanitary sewer main was relocated, and no storm drain facilities exist within the area.
- (3) Accept replacement public service easements for West Estudillo Avenue between Martinez

Street and Alvarado Street, for Martinez Street south of Thornton Avenue, and for a sliver of land abutting the East Bay Greenway right-of-way where a sanitary sewer manhole exists.

Staff recommends adoption of this resolution to effectuate the transfer of the described property rights.

BACKGROUND

Westlake Urban, working on behalf of Chang Income Property Partnership, L.P., owner of the San Leandro Tech Campus properties, requested that the City vacate and remove Martinez Street and West Estudillo Avenue to facilitate development of the campus. These streets previously provided overflow curbside parking for San Leandro BART. Saunders Street was previously removed in the 1940s.

Although the roads were vacated and demolished in the first phase of the Tech Campus development, the City reserved easement rights for buried utilities with the understanding that these utilities would eventually be relocated. The developers entered into a Public Improvement Agreement on July 16, 2014 to guarantee the utility relocations.

Now that the relocations are complete, the developer asserts that the unnecessary easement rights should be vacated, and that replacement utility easements should be accepted that coincide with the current utility alignments. To accomplish this, the following actions are proposed:

- (1) All public rights, both road and utility, should be summarily vacated across the former Martinez Street (except the area needed for the East Bay Greenway), and across the former West Estudillo Avenue. Such an action will terminate all public rights across these specific areas.
- (2) Storm and sewer rights should be summarily vacated across the former Saunders Street since the sanitary sewer main was relocated to the East Bay Greenway right-of-way, and since no storm drain facilities exist within the area. One sewer manhole could not be relocated, so a replacement public service easement over this sliver of land surrounding the manhole must be granted.
- (3) The former West Estudillo Avenue will continue to have several underground utilities, so a replacement public service easement over the former road must be granted.
- (4) The southern extension of Martinez Street, south of Parrott Street, currently has a water main operated by East Bay Municipal Utility District. Ultimately this water main will be relocated to avoid a conflict with the future Tech Campus residential project, but for now it must remain. As such, a replacement public service easement should be granted across the water main.

Analysis

Summary vacation of right-of-way is provided in California Streets and Highways Code §8330 *et seq.* The legislative body of a local agency may summarily vacate a street and/or public service easement that has been superseded by relocation. A resolution must be adopted that provides for all of the following:

- That the vacation is made pursuant to the referenced code;

- That precise maps or descriptions are recorded with the County Recorder's Office with reference to the resolution;
- That the facts under which the vacation is made are publicly disclosed; and
- That from and after the date the resolution is recorded, the streets and/or public service easements are no longer property rights held by the local agency.

A summary vacation process can be followed in lieu of the more exhaustive "Vacation of Street or Public Easement" process described in San Leandro Municipal Code §5-4-100 because compliant vacation processes were previously acted on for each of the affected streets. Therefore, the current action simply effectuates the intent of the earlier actions.

Current Agency Policies

- Advance projects and programs promoting sustainable economic development, including transforming San Leandro into a center for innovation.
- Maintain and enhance San Leandro's infrastructure.

Previous Actions

- On June 3, 1946, the City Council adopted Resolution No. 801 to vacate Saunders Street while reserving a 15 foot wide Sanitary Sewer and Storm Drain easement.
- On June 16, 2014, the City Council adopted Resolution of Intention No. 2014-060 to vacate portions of Martinez Street between West Estudillo Avenue and Thornton Street, and West Estudillo Avenue between Martinez Street and Alvarado Street.
- On September 2, 2014, the City Council adopted Ordinance No. 2014-014 vacating portions of public rights-of-way and retaining public utility easements (Martinez Street between West Estudillo Avenue and Thornton Street, and West Estudillo Avenue between Alvarado Street and Martinez Street.)

Applicable General Plan Policies

- Policy LU-6.1.B, TOD Strategy Update - (a) A greater emphasis on office development along the Alvarado Street corridor between Davis Street and Williams Street.
- Policy LU-6.4, Office Development - Support the growth of Downtown San Leandro as an office center. The City will encourage the renovation and upgrading of existing office space, and the development of new office space.
- Policy LU-6.7, BART Accessibility - Maintain and strengthen pedestrian, bicycle, and transit connections between the BART Station, Downtown, and nearby neighborhoods.

Permits and/or Variances Granted

- GRA2015-00003 - Grading Permit for the construction of Phase 1 of SLTC
- G17-0004 - Grading Permit for the construction of Phase 2 of SLTC

Environmental Review

As indicated in the 2014 General Plan Conformance Finding, the property disposition was covered in the Initial Study and Mitigated Negative Declaration for the proposed Tech Campus development.

Board/Commission Review and Actions

The Planning Commission at its meeting of February 20, 2014, found the proposed vacation to be in conformance with the City of San Leandro General Plan.

Summary of Public Outreach Efforts

- Staff corresponded with utility agencies affected by the vacation in 2014.
- Per San Leandro Municipal Code Chapter 5-4-110, the City Council's Resolution of Intention calling for a public hearing on July 21, 2014, was published two times in the Daily Review, a local newspaper, on June 27, 2014 and July 3, 2014.
- The City Council's Resolution of Intention calling for a public hearing on July 21, 2014, was posted no more than 300 feet spacing, for a period of no less than two (2) weeks from the date of the hearing along the proposed site intended for vacation.

Fiscal Impacts

- There is no fiscal impact associated with this action.

ATTACHMENTS

Attachments to Staff Report

- Illustration of areas affected by this proposed action
- 15 Foot Wide Sanitary Sewer and Storm Drain Reservation from 1946
- Vacation Ordinance No. 2014-014
- Irrevocable Offer of Dedication for Martinez Street and West Estudillo Avenue from 2014

Attachments to Resolution

- Exhibit "A", Quit Claim Deed for Martinez Street and West Estudillo Avenue
- Exhibit "B", Quit Claim Deed for Saunders Street Sanitary Sewer and Storm Drain Reservation
- Exhibit "C", Grant of Public Service Easement for former West Estudillo Avenue
- Exhibit "D", Grant of Public Service Easement for Sanitary Sewer
- Exhibit "E", Grant of Public Service Easement for EBMUD water main on Martinez Street south of Parrott Street

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