



## Legislation Text

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**File #:** 12-061, **Version:** 1

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Staff Report for Resolution Rescinding a Portion of Resolution No. 2011-117 Related to Vacating Portions of Public Right-of-Way of Eden Road

### **RECOMMENDATIONS**

Staff recommends adoption of a resolution rescinding a portion of Resolution No. 2011-117 related to vacating portions of public right-of-way of Eden Road

### **BACKGROUND**

The City owns and operates a sewage treatment facility on 12 acres of land known as the Water Pollution Control Plant (WPCP) located at 3000 Davis Street. The WPCP was originally built circa 1938. The WPCP receives and treats residential, commercial, and industrial wastewater from approximately two-thirds of the city. The originally proposed right-of-way for Eden Road bisects the WPCP property in areas where equipment and piping were built during a previous expansion to the facility. The City is currently constructing significant improvements at the WPCP that are required to meet current or expected building and future discharge regulations.

### **Analysis**

Resolution No. 2011-117 was approved on June 20, 2011. Various documents showed that the original proposed alignment of Eden Road bisected the WPCP facility. However, after further investigation of the title report for the property, it was discovered that Eden Road is a private road belonging to the City of San Leandro, not public right-of-way. Therefore, it is not necessary to vacate Eden Road as was approved through Resolution 2011-117. In order for the Title Company to record Parcel Map 10036 that mentions the vacation of Eden Road, the City must rescind the previous resolution that vacated that portion of the roadway.

According to the title report, there are a number of private easements on Eden Road belonging to property owners whose properties front Eden Road. Private easements need not be shown on the parcel map and will be resolved at a later date as these easements will not affect the recordation of the parcel map.

### **Previous Actions**

- On June 20, 2011, by Resolution No. 2011-116, City Council approved Parcel Map 10036 at 3000 Davis Street
- On June 20, 2011, by Resolution 2011-117, City Council approved a Resolution vacating a portion of Eden Road right-of-way at 3000 Davis Street

### **Applicable General Plan Policies**

General Plan Policy 52.04 - Wastewater Collection and Treatment: Maintain efficient, environmentally sound, and cost-effective wastewater collection and treatment services.

**Fiscal Impacts**

The total cost of staff's investigation of the documents, including obtaining the Title Report, is \$3,000.

**Budget Authority**

The cost of this action will be funded from the existing appropriation in Account 593-52-250.

**ATTACHMENTS**

- Title Report for 3000 Davis Street

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