



Legislation Details (With Text)

File #:	17-615	Version:	1	Name:	Summary Vacation of Martinez and West Estudillo Right-of-Way and Utility Easement (RES)
Type:	Resolution - Council	Status:	Passed	In control:	City Council
On agenda:	12/18/2017	Final action:	12/18/2017		
Enactment date:	12/18/2017	Enactment #:	Reso 2017-176		
Title:	RESOLUTION of the City Council for the City of San Leandro to Execute Three Actions: (1) To Summarily Vacate 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) To Summarily Vacate a 15- Foot Wide Sanitary Sewer and Storm Drain Easement Recorded in 1946 Across the Former Saunders Street; and (3) To Accept Replacement Public Service Easements at the San Leandro Tech Campus				
Sponsors:	Keith Cooke				
Indexes:					
Code sections:					
Attachments:	1. Legistar File 17-615 Exhibit A Quit Claim (Martinez Street & West Estudillo), 2. Legistar File 17-615 Exhibit B Quit Claim (Sanitary Sewer & Storm Drain), 3. Legistar File 17-615 Exhibit C PSE (former West Estudillo Ave), 4. Legistar File 17-615 Exhibit D PSE (Sanitary Sewer), 5. Legistar File 17-615 Exhibit E PSE (EBMUD water main)				

Date	Ver.	Action By	Action	Result
12/18/2017	1	City Council	Adopted	Pass

RESOLUTION of the City Council for the City of San Leandro to Execute Three Actions: (1) To Summarily Vacate 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) To Summarily Vacate a 15- Foot Wide Sanitary Sewer and Storm Drain Easement Recorded in 1946 Across the Former Saunders Street; and (3) To Accept Replacement Public Service Easements at the San Leandro Tech Campus

WHEREAS, the City Council, on June 3, 1946, adopted Resolution No. 801 vacating Saunders Street between Martinez Street and Alvarado Street, except to reserve a 15-foot wide Sanitary Sewer and Storm Drain Easement, with said Resolution recorded on June 11, 1946, in Book 4894 at Page 317, Alameda County official records; and

WHEREAS, the City Council, on September 2, 2014, adopted Ordinance No. 2014-014 vacating portions of public rights-of-way, except to reserve Public Utility Easements on Martinez Street between West Estudillo Avenue and Thornton Street, and West Estudillo Avenue between Alvarado Street and Martinez Street, with said Ordinance recorded on December 23, 2014 as Series No. 2014312540, Alameda County official records; and

WHEREAS, the City recorded an Irrevocable Offer of Dedication which again accepted the previously-vacated portions of public rights-of-way on Martinez Street between West Estudillo Avenue and Thornton Street, and West Estudillo Avenue between Alvarado Street and Martinez Street, with said Dedication recorded on December 23, 2014, as Series No. 2014312541, Alameda

County official records; and

WHEREAS, the San Leandro Planning Commission found that the prior vacations conform to the requirements of the San Leandro General Plan; and

WHEREAS, the City and Chang Income Property Partnership LP, a Delaware Limited Partnership (property owner), entered into a Development Agreement that allows development of the San Leandro Tech Campus upon the real property identified as Assessor Parcel Nos. 075-0047-002-00, 075-0047-003-02, 075-0047-007-00, and 075-0041-002-01, with said Agreement recorded on June 27, 2014, as Series No. 2014153467, Alameda County official records; and

WHEREAS, Westlake Urban, Inc., developer of the San Leandro Tech Campus, relocated the sanitary sewer main located within the 15-foot wide Sanitary Sewer and Storm Drain Easement reserved by Resolution No. 801; and

WHEREAS, in order to develop the San Leandro Tech Campus, Westlake Urban, Inc., requests that the City vacate:

- The 15-foot wide Sanitary Sewer and Storm Drain Easement; and
- The Public Utility Easements on Martinez Street between West Estudillo Avenue and Thornton Street, and West Estudillo Avenue between Alvarado Street and Martinez Street; and
- The Irrevocable Offer of Dedication for portions of Martinez Street between West Estudillo Avenue and Thornton Street, and West Estudillo Avenue between Alvarado Street and Martinez Street.

WHEREAS, in exchange for the vacation of the described property rights, the property owner will grant replacement easements to the City; and

WHEREAS, said summary vacations are made under Chapter 4 (Summary Vacation), Part 3, Division 9, Section 8333(c), of the California Streets and Highways Code.

NOW, THEREFORE, the City Council of the City of San Leandro does RESOLVE as follows:

1. That the Sanitary Sewer and Storm Drain Easement reserved by the City on June 3, 1946, according to Resolution No. 801, as recorded on June 11, 1946, in Book 4894 at Page 317, Alameda County official records are determined to be excess and there are no other public facilities located within the easement, is hereby summarily vacated, and the City Manager is hereby authorized to execute the Quit Claim Deed (Exhibit "A") attached hereto, and made a part hereof; and

2. That the Public Utility Easements and the Irrevocable Offer of Dedication on Martinez Street between West Estudillo Avenue and Thornton Street, and West Estudillo Avenue between Alvarado Street and Martinez Street reserved by the City on September 2, 2014, according to Ordinance No. 2014-014, as recorded on December 23, 2014 as Series No. 2014312540, or accepted by the City on December 23, 2014, as Series No. 2014312541, respectively, Alameda County official records are determined to be excess and there are no other public facilities located with the easement, are hereby summarily vacated, and the City Manager is hereby authorized to execute the Quit Claim Deed (Exhibit "B") attached hereto, and made a part hereof; and

3. That said summary vacations are made under Chapter 4 (Summary Vacation), Part 3,

Division 9, Section 8333(c), of the California Streets and Highways Code; and

4. That precise maps or descriptions for said summary vacations are included in the Quit Claim Deeds attached to this Resolution as Exhibits “A” and “B”; and

5. That the facts under which these summary vacations are made are described above for public disclosure; and

6. That from and after the date of recordation of this Resolution, said portions of land no longer constitute public easements or dedications held by the City of San Leandro; and

7. That the City hereby accepts and authorizes the City Clerk to execute Certificates of Acceptance for the following replacement easements for recordation by the Alameda County Recorder’s Office:

- Grant of Public Service Easement for former West Estudillo Avenue (Exhibit “C”)
- Grant of Public Service Easement for Sanitary Sewer (Exhibit “D”)
- Grant of Public Service Easement for EBMUD water main on Martinez Street south of Parrott Street (Exhibit “E”); and

8. That the City Clerk shall cause a certified copy of this resolution to be recorded in the Office of the Recorder of Alameda County, California, immediately upon its adoption.