



Legislation Text

File #: 19-355, **Version:** 1

RESOLUTION of the City Council for the City of San Leandro to Approve Parcel Map 10938; Summarily Vacate a Remnant of Public Right-of-Way on Marina Boulevard; and Reserve a Public Utility Easement for Pacific Gas & Electric Company. Owner and Applicant: East Bay F4, LLC

WHEREAS, the City approved a Site Plan Review (PLN18-0086) on May 2, 2019, for properties between 620-754 Marina Boulevard, Assessor's Parcel Numbers (APN) 75-105-12-01, 75-105-12-02, 75-105-13-7, 75-105-13-9 and 75-105-14-2; and

WHEREAS, an Agreement to Conditions for PLN18-0086 was recorded with the Alameda County Recorder's Office on May 17, 2019, and the Series No. is 2019092776; and

WHEREAS, the subdivider, East Bay F4, LLC, has submitted Parcel Map 10938 for approval by the City Council that will accomplish three necessary land transactions in order to prepare the property for development; and

WHEREAS, Parcel Map 10938 will merge six legal parcels into one according to California Government Code §66467, which allows a parcel map to effectuate a lot merger; and the map merges the parcels without reversion to acreage according to §66499.20.2; and

WHEREAS, Parcel Map 10938 will summarily vacate a remnant of public right-of-way on the north side of Marina Boulevard in conformance with Ordinance No. 67-44 adopted on October 2, 1967, establishing right-of-way lines for Marina Boulevard, with said vacation following the procedure prescribed in California Streets and Highways Code §8334 et seq.; and

WHEREAS, Parcel Map 10938 will reserve a Public Utility Easement (PUE) for Pacific Gas & Electric Company (PG&E) across the vacated right-of-way to connect Marina Boulevard to PG&E's existing easement that extends across the adjoining private property; and

WHEREAS, the City previously approved Certificates of Compliance for the properties within the boundaries of Parcel Map 10938 as follows:

APN 075-0105-012-01 recorded on 05/05/2018 as Instrument No. 2018089601 of Official Records of Alameda County;

APN 075-0105-012-02 recorded on 05/05/2018 as Instrument No. 2018089600 of Official Records of Alameda County;

APN 075-0105-013-07 recorded on 05/05/2018 as Instrument No. 2018089599 of Official Records of Alameda County;

APN 075-0105-013-09 recorded on 05/05/2018 as Instrument No. 2018089598 of Official Records of Alameda County; and

WHEREAS, the City previously approved a Conditional Certificate of Compliance for APN 075-0105-014-02 that was recorded on 05/05/2018 as Instrument No. 2018089597 of Official Records of Alameda County because the property did not at the time conform to the Zoning Code, but the condition is satisfied by Parcel Map 10938; and

WHEREAS, the City Council finds that the proposed map, together with the provisions for the subdivision's design and improvement, is consistent with the City's 2035 General Plan; and

WHEREAS, the City Engineer provides that said parcel map is technically correct, and that the subdivider has complied with the provisions of San Leandro Municipal Code §7-1-210 et seq. and with the provisions of the Subdivision Map Act.

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

1. That said Parcel Map 10938 is categorically exempt from the environmental review requirements of CEQA, under Title 5, Chapter 1 of the San Leandro Administrative Code; and
2. That said Parcel Map 10938 is hereby approved; and
3. That a remnant portion of Marina Boulevard is hereby summarily vacated according to Ordinance No. 67-44, and under Chapter 4, Part 3, Division 9, Section 8334 et seq., of the California Streets and Highways Code; and
4. That the remnant portion of Marina Boulevard to be summarily vacated is precisely described on Parcel Map 10938 attached hereto and made a part hereof; and
5. That the facts under which this summary vacation is made is described above and in the Staff Report that accompanies this Resolution, and that said Resolution is prima facie evidence of the facts stated; and
6. That from and after the date Parcel Map 10938 is recorded, the remnant portion of Marina Boulevard no longer constitutes a public street; and
7. That a Public Utility Easement (PUE) is hereby reserved for Pacific Gas & Electric Company (PG&E) across the vacated remnant portion of Marina Boulevard; 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.