

ORDER OF VACATION NO. 907

ORDERING THE VACATION OF THE CUL-DE-SAC PORTION OF SOUTH 4TH STREET, NORTH OF CUTTING BOULEVARD AND SOUTH OF INTERSTATE 580

WHEREAS, City Council Resolution No. 129-08 dated November 18, 2008, mandates the establishment of a Quiet Zone at Cutting Boulevard near South 4th Street; and

WHEREAS, the lowest cost option to establish a Quiet Zone at said location is to vacate and abandon the cul-de-sac portion of South 4th Street, north of Cutting Boulevard and south of Interstate 580; and

WHEREAS, pursuant to Streets and Highways Code Sections 8320 et. Seq., the City of Richmond desires to vacate and abandon the cul-de-sac portion of South 4th Street, north of Cutting Boulevard and south of Interstate 580, more particularly described in Exhibits A and B attached hereto and incorporated herein and hereafter referred to as the “area to be vacated,” consisting of a legal description and map of the area; and

WHEREAS, the City Engineer has reported to this Council that the area to be vacated is surplus and is not necessary for the transportation needs of the City; and

WHEREAS, the City is authorized to vacate all or part of a public street or public service easement within the City pursuant to the Public Street, Highways and Service Vacation Easements law (State of California Streets and Highways Code, Section 8300 et. seq.); and

WHEREAS, Section 8340 (c) of the Streets and Highways Code requires that unless public convenience and necessity require otherwise, the City must reserve and except from the vacation any easement and right necessary to maintain, operate, replace, remove and renew public utility facilities; and

WHEREAS, East Bay Municipal Utility District (EBMUD), AT&T, PG&E, Comcast Cable, Richmond Wastewater, Contra Costa Flood Control and Veolia Water have all been notified and none have reported ownership of utilities in the area to be vacated. Nonetheless the City will reserve and exempt from the vacation utility and water easements and the right necessary for maintain, operate, replace, remove and renew public utility facilities as required by the Section 8340 (c) of the Streets and Highway Code; and

WHEREAS, the Planning Director has found that the proposed street vacation does not conflict with the City of Richmond General Plan.

WHEREAS, on March 24, 2011, the City Clerk administratively set the public hearing for the City Council to consider the proposed vacation for April 19, 2011, pursuant to the Streets and Highways Code Section 8320; and

WHEREAS, notice of the hearing on the proposed street vacation as described on Exhibits A and B was duly published and posted as required by Streets and Highways Code Section 8322 and 8323; and,

WHEREAS, on April 19, 2011, the City Council opened and conducted the public hearing, allowing all interested parties an opportunity to speak.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RICHMOND DOES HEREBY RESOLVE AS FOLLOWS:

1. The City Council finds, based on all the evidence submitted, that the said portion of said street described in the legal description and plat map attached hereto, as Exhibits A and B, is not necessary for present or prospective transportation needs and is hereby vacated.
2. Pursuant to Section 8340 (c) of the California Streets and Highway Code, the City hereby reserves for the benefit of the public, a non-exclusive easement in gross over the entirety of the land described in Exhibits A and B, for public utilities including but not limited to sanitary sewers, water, electric, gas, telephone, cable,

television and communications facilities, including the construction, access and maintenance thereof.

3. The City Clerk is hereby directed to record this order vacating said portion of South 4th Street as described in Exhibits A and B at the Office of the Contra Costa County Recorder.

I certify that the foregoing order of vacation was passed and adopted by the City Council of the City of Richmond, California, at a regular meeting thereof held April 19, 2011, by the following vote:

AYES: Councilmembers Bates, Beckles, Butt, Ritterman, Vice Mayor Rogers, and Mayor McLaughlin.

NOES: Councilmember Boozé.

ABSTENTIONS: None.

ABSENT: None.

DIANE HOLMES
Clerk of the City of Richmond

[SEAL]

Approved:

GAYLE MCLAUGHLIN
Mayor

Approved as to form:

RANDY RIDDLE
City Attorney

State of California }
County of Contra Costa } : ss.
City of Richmond }

I certify that the foregoing is a true copy of **Order of Vacation No. 907**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on April 19, 2011.

EXHIBIT A

LEGAL DESCRIPTION VACATION OF A PORTION OF S. 4TH STREET

REAL PROPERTY IN THE CITY OF RICHMOND, CONTRA COSTA COUNTY, CALIFORNIA, BEING A PORTION OF SOUTH 4TH STREET (FORMERLY UNIVERSITY AVENUE), AND PORTIONS OF BLOCK 14 AND 18, AS SHOWN ON THE MAP OF SANTA FE TOWNSITE, RECORDED MARCH 17, 1900, IN BOOK E OF MAPS, PAGE 102, CONTRA COSTA COUNTY RECORDS, BEING ALSO SEGMENT 2 OF RELINQUISHMENT NO. 40459, UNDER CALIFORNIA TRANSPORTATION COMMISSION RESOLUTION NO. R3109, RECORDED NOVEMBER 5, 1991, SERIES NO. 91-233004, CONTRA COSTA COUNTY RECORDS, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID BLOCK 18; THENCE ALONG THE WEST LINE OF SAID BLOCK 18, NORTH 1° 19' 46" EAST, 112.77 FEET; THENCE LEAVING SAID WEST LINE, ALONG A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 60.00 FEET, THROUGH A CENTRAL ANGLE OF 39° 07' 02", AN ARC DISTANCE OF 40.96 TO THE BEGINNING OF A REVERSE CURVE, CONCAVE SOUTHERLY AND HAVING A RADIUS 56.00 FEET; THENCE ALONG SAID REVERSE CURVE THROUGH A CENTRAL ANGLE OF 258° 14' 04", AN ARC DISTANCE OF 252.40 FEET TO A POINT ON A REVERSE CURVE, CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 60.00 FEET; THENCE ALONG SAID REVERSE CURVE THROUGH A CENTRAL ANGLE OF 39° 07' 02", AN ARC DISTANCE OF 40.96 FEET TO A POINT ON THE EAST LINE OF SAID BLOCK 14, DISTANT THEREON NORTH 1° 19' 46" EAST, 78.81 FEET FROM THE SOUTHEAST CORNER THEREOF; THENCE ALONG SAID EAST LINE, SOUTH 1° 19' 46" WEST, 78.81 FEET TO SAID SOUTHEAST CORNER; THENCE ALONG THE DIRECT SOUTHEAST PROLONGATION OF THE NORTHEAST LINE OF SAID BLOCK 14, SOUTH 54° 50' 04" EAST, 60.98 FEET TO A POINT ON THE DIRECT WEST PROLONGATION OF THE NORTH LINE OF SAID BLOCK 18 (E M 102); THENCE ALONG SAID WEST PROLONGATION, SOUTH 88° 38' 47" EAST, 9.34 FEET TO THE POINT OF BEGINNING.

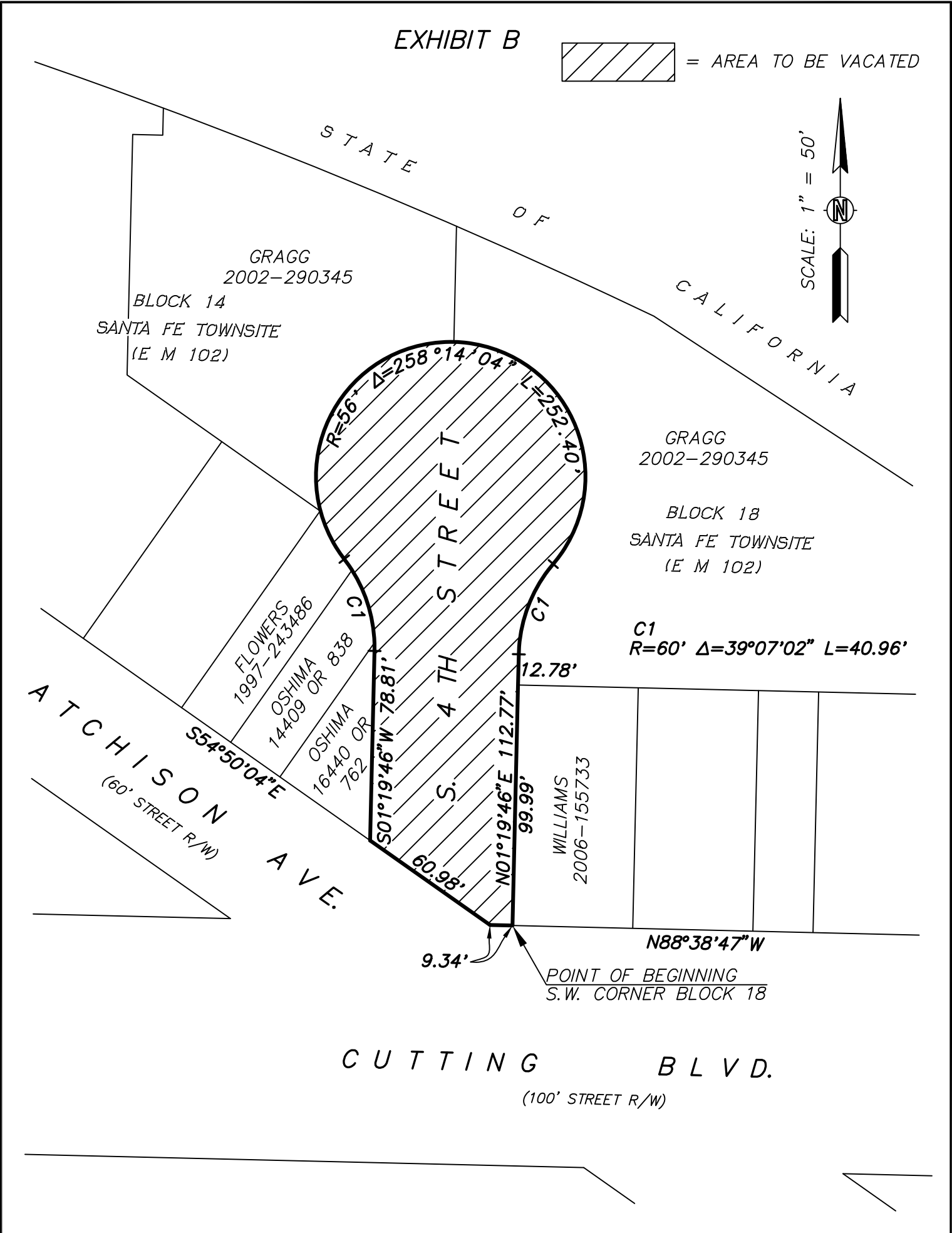
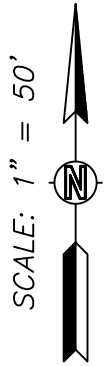
RESERVING THEREFROM, PURSUANT TO THE PROVISIONS OF SECTION 8340 AND 8341 OF THE STREETS AND HIGHWAYS CODE AND FOR THE BENEFIT OF CITY OF RICHMOND ("CITY"), THE PERMANENT EASEMENT AND THE RIGHT AT ANY TIME, OR FROM TIME TO TIME, TO CONSTRUCT, MAINTAIN, OPERATE, REPLACE, REMOVE, RENEW AND ENLARGE LINES OF PIPE, CONDUITS, CABLE, WIRES, POLES AND OTHER CONVENIENT STRUCTURES, EQUIPMENT AND FIXTURES FOR THE OPERATION OF STORM DRAINS, INCLUDING ACCESS AND THE RIGHT TO KEEP THE PROPERTY FREE FROM FLAMMABLE MATERIALS AND WOOD GROWTH, AND OTHERWISE PROTECT THE SAME FROM ALL HAZARDS IN, UPON, AND OVER AND ACROSS THE AREA TO BE VACATED, PRIOR TO RECORDATION, UNLESS OTHERWISE APPROVED BY THE CITY ENGINEER.

BEARINGS ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM ZONE III (CCS27) AS SHOWN ON CALTRANS RECORD RIGHT OF WAY MAP R-102.17

EXHIBIT B ATTACHED HERETO AND BY THIS REFERENCE IS MADE A PART OF THIS DESCRIPTION.

EXHIBIT B

 = AREA TO BE VACATED



REFERENCES:
 KISTER, SAVIO & REI, INC. JOB NO. 18874-2
 KS&R DWG NO. A-6396

CITY OF RICHMOND
 DEPARTMENT OF PUBLIC WORKS
 DIVISION OF ENGINEERING

STREET VACATION
 PORTION OF SOUTH 4TH STREET
 FORMERLY UNIVERSITY AVENUE

No.	DATE	APPRD.

DRAWN BY: PMR
 CHECKED BY: _____
 SUBMITTED: _____
 APPROVED: _____
 DIRECTOR OF PUBLIC WORKS R.C.E.

DATE: 02/11/2011
 DRAWING NUMBER: _____