

**ORDER OF VACATION NO. 915**

**ORDERING THE VACATION OF THE SANITARY SEWER EASEMENT, STORM DRAIN EASEMENT, AND WATER LINE EASEMENT AT 912 HARBOUR WAY SOUTH**

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**WHEREAS**, in order to facilitate the request made by the “Industrial Property Trust” for a utility easement vacation that would require the City to vacate the existing storm water and domestic water mains from the middle of the property towards the southern property line to facilitate the construction of a 182,000 square foot warehouse building and returning the property to the applicant through the use of a quitclaim as detailed in the Quitclaim document. The construction documents conform to the City Storm Drain / Sanitary Sewer requirements and the East Bay Municipal Utility District Domestic and Fire Water requirements, the City of Richmond Engineering & CIP Dept has requested that the utility easement be vacated by the City of Richmond; and

**WHEREAS**, pursuant to Street and Highways Code Sections 8320 et. seq., the City of Richmond desires to vacate the utility easement, 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 utility needs of the City; and

**WHEREAS**, the City is authorized to vacate all or part of a utility easement within the City pursuant to 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**, the “Industrial Property Trust” and/or the property management of the property has agreed to provide easements for utilities, emergency vehicle access; and

**WHEREAS**, on February 20, 2018 the City Clerk administratively set the public hearing for the City Council to consider the proposed vacation for March 20, 2018 pursuant to the Streets and Highways Code Section 8320; and

**WHEREAS**, on March 03, 2015 the City Clerk administratively set the public hearing for the City Council to consider the proposed vacation for April 07, 2015 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 March 20, 2018, 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 utility easement 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 storm and sanitary sewers, water, electric, gas, telephone, cable, television, cable, television and communications facilities, including the construction, access and maintenance thereof.
3. The City Clerk is hereby directed to record this order vacating the utility easements as described in Exhibits A and B at the office of the Contra Costa County Recorder.

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I certify that the foregoing resolution was passed and adopted by the City Council of the City of Richmond, California, at a regular meeting thereof held March 20, 2018, by the following vote:

AYES: Councilmembers Beckles, Choi, Martinez, Myrick, Recinos, Vice Mayor Willis, and Mayor Butt.

NOES: None

ABSENT: None

ABSTAIN: None

PAMELA CHRISTIAN  
Clerk of the City of Richmond, CA

(SEAL)

Approved:


TOM BUTT  
Mayor

Approved as to form:

BRUCE GOODMILLER  
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. 915**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting on March 20, 2018.

  
Pamela Christian, Clerk of the City of Richmond

**Exhibit "A" to Quitclaim Deed-Easement**

**LEGAL DESCRIPTION**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PORTION OF ELLIS LANDING SUBDIVISION, AS SHOWN ON THE MAP FILED AUGUST 8, 1913, IN BOOK 10 OF MAPS, PAGE 244, AND OF LOTS 14 AND 15, SECTION 24, TOWNSHIP 1 NORTH, RANGE 5 WEST, MOUNT DIABLO BASE AND MERIDIAN, AS SHOWN ON MAP NO. 1 SALT MARSH AND TIDE LANDS, FILED AS RACK NO. 9, ALL IN THE OFFICE OF THE COUNTY RECORDER OF CONTRA COSTA COUNTY, CALIFORNIA, DESCRIBED AS A WHOLE AS BEGINNING AT A POINT ON THE WEST LINE OF 14TH STREET, WHICH IS DISTANT ALONG SAID WEST LINE, NORTH 0° 18' 26" EAST, 25 FEET FROM THE INTERSECTION OF SAID WEST LINE WITH THE MIDSECTION LINE RUNNING EAST AND WEST THROUGH THE CENTER OF SAID SECTION 24, SAID INTERSECTION ALSO BEING THE SOUTHEAST CORNER OF THE PARCEL OF LAND DESCRIBED IN THE DEED FROM THE UNITED STATES OF AMERICA TO PARR-RICHMOND INDUSTRIAL CORPORATION, RECORDED JUNE 1, 1949, IN BOOK 1394 OF OFFICIAL RECORDS, PAGE 403; THENCE SOUTH 0° 18' 26" WEST, ALONG THE WEST LINE OF SAID 14TH STREET, 25 FEET TO THE MIDSECTION LINE; THENCE ALONG SAID MIDSECTION LINE, SOUTH 89° 59' 30" WEST, 1126.01 FEET TO THE PROLONGATION OF THE EAST LINE OF TENTH STREET, AS SHOWN ON SAID MAP OF ELLIS LANDING SUBDIVISION; THENCE ALONG SAID SOUTHERN PROLONGATION AND ALONG SAID EAST LINE OF TENTH STREET, NORTH 0° 21' 30" EAST, 971.45 FEET; THENCE SOUTH 43° 51' 45" EAST, 1312.55 FEET TO A POINT WHICH BEARS SOUTH 89° 59' 30" WEST FROM THE POINT OF BEGINNING; THENCE NORTH 89° 59' 30" EAST, 210.50 FEET TO THE POINT OF BEGINNING.

# RECORD OF SURVEY

RS NO. 3838

A PORTION OF THE ELLIS LANDING SUBDIVISION, AS SHOWN ON THE MAP FILED AUGUST 8, 1913, IN BOOK 10 OF MAPS, PAGE 244, AND OF LOTS 14 AND 15, SECTION 24, TOWNSHIP 1 NORTH, RANGE 5 WEST, MOUNT DIABLO BASE & MERIDIAN, AS SHOWN ON MAP NO. 1 SALT MARSH AND TIDELANDS, FILED AS RACK NO. 9, ALL IN THE OFFICE OF THE COUNTY RECORDER OF CONTRA COSTA COUNTY, CALIFORNIA DESCRIBED AS A WHOLE IN THAT CERTAIN GRANT DEED RECORDED JUNE 16, 2004, INSTRUMENT NO. 2004-0230030 CONTRA COSTA COUNTY RECORDS.

CITY OF RICHMOND - CONTRA COSTA COUNTY - CALIFORNIA  
SCALE: 1" = 150'

**KIER & WRIGHT**  
CIVIL ENGINEERS & SURVEYORS, INC.  
10000 RICHMOND AVENUE, SUITE 200  
LIVERMORE, CALIFORNIA 94551  
TEL: (925) 245-4284  
FAX: (925) 245-4796

**LEGEND**

- BOUNDARY OF SUBJECT PROPERTY
- OTHER LINES OF POSSESSION
- FORMER LINES OF POSSESSION
- MONUMENT LINE
- EASEMENT LINE
- FOUND STANDARD STREET MONUMENT, AS NOTED
- FOUND RAILROAD SPIKE, AS NOTED
- FOUND IRON PIPE, AS NOTED
- FOUND WIRE, AS NOTED
- FOUND 1/2" IRON PIPE / CAP LS 8627

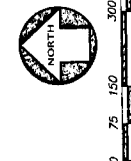
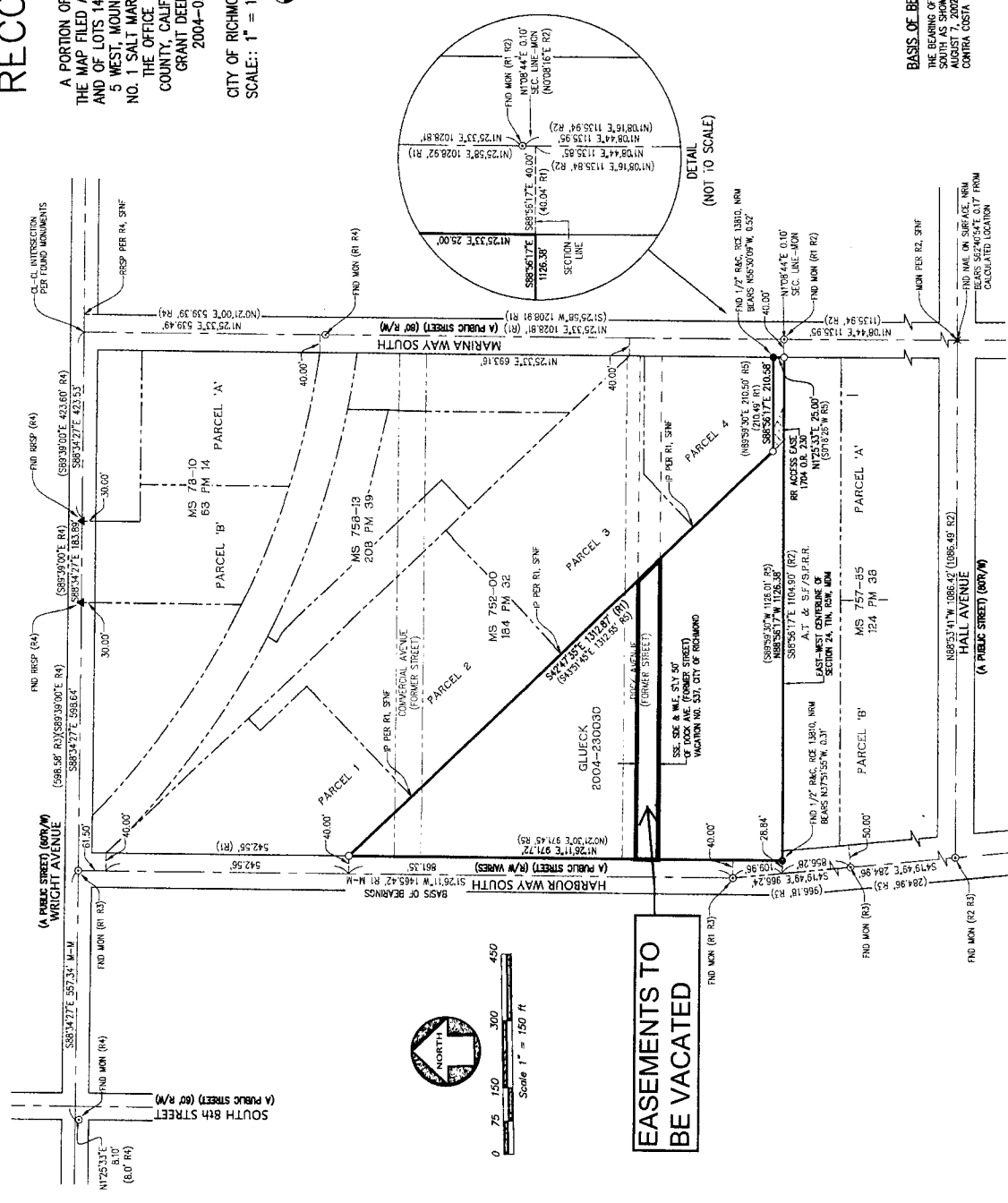
**ABBREVIATIONS**

- DNL = DOCUMENT NUMBER
- FND = FOUND
- IP = IRON PIPE
- MON = MONUMENT
- M-M = MONUMENT TO MONUMENT
- NRM = NON-RECORD MONUMENT
- O.R. = OFFICIAL RECORDS
- PM = PARCEL MAP
- RI = REFERENCE NUMBER (TYPICAL)
- R/W = RIGHT OF WAY
- R/S = REAR & CAP
- REC = SOUTH (TYPICAL)
- S = STORM DRAINAGE EASEMENT
- SBE = SECTION
- SNF = SEARCHED FOR NOT FOUND
- SSE = SURVEYED SEWER EASEMENT
- SSE = SURVEYED SEWER EASEMENT
- R/S = RAILROAD SPIKE
- RESP = RAILROAD SPIKE
- TOT = TOTAL
- WLE = WATER LINE EASEMENT

**REFERENCES:**

- R1 PARCEL MAP M.S. 752-00, 184 PM 32
- R2 PARCEL MAP M.S. 757-85, 124 PM 38
- R3 RECORD OF SURVEY, 95 LSN 37
- R4 PARCEL MAP M.S. 79-10, 63 PM 14
- R5 GRANT DEED, DN. 2004-0230030

**BASIS OF BEARINGS:**  
THE BEARING OF NORTH 01° 05' 11" EAST TAKEN ON THE MONUMENT LINE OF HARBOR WAY THE BEARING OF NORTH 01° 05' 11" EAST TAKEN ON THE MONUMENT LINE OF HARBOR WAY THE BEARING OF NORTH 01° 05' 11" EAST TAKEN ON THE MONUMENT LINE OF HARBOR WAY THE BEARING OF NORTH 01° 05' 11" EAST TAKEN ON THE MONUMENT LINE OF HARBOR WAY



**EASEMENTS TO BE VACATED**

APN: 560-260-013

JOB NO.: A16600

SHEET 2 OF 2 SHEETS