



CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 01/20/04
AGENDA ITEM 3
WORK SESSION ITEM _____

TO: Mayor and City Council
FROM: Director of Public Works
SUBJECT: Resolution of Intention to Vacate Baumberg Court West of Baumberg Avenue

RECOMMENDATION:

It is recommended that the City Council adopt a Resolution of Intention to vacate a portion of Baumberg Court, setting a public hearing for February 3, 2004.

BACKGROUND:

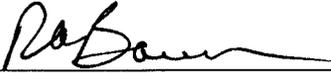
Baumberg Court is a portion of the street established as County Road 2636, Arden Road. The name of Arden Road (extending westerly of Baumberg Avenue) was changed to Baumberg Court in 1975. In order to better develop his property on Arden Road, the applicant is requesting to vacate a portion of unconstructed Baumberg Court. Originally, Baumberg Court (as Arden Road) was intended to connect with Eden Landing Road. It is not needed in the future, since the present Arden Road has been constructed and provides that connection.

Three parcels of land have frontage on the portion of Baumberg Court to be vacated. With exception of a state-owned parcel, this partial vacation does not impact access to the other parcels on Baumberg Court. After vacation, the portion of right of way currently designated as Baumberg Court would be incorporated into the three contiguous parcels. This vacation would also reduce the problems of recurring cleanup caused by trash-dumping on this end of this essentially unused roadway, since it will be fenced by the abutting property owner.

The Wildlife Conservation Board of the State of California Department of Fish and Game, which manages the state-owned parcel, has indicated that their main access was at the end of Eden Landing Road with a secondary entrance off Arden Road, opposite the intersection of Corporate Avenue. They currently have an old gate at the end of Baumberg Court that is never used and they do not object to this vacation. There are currently two sewer lines and a water line within the area of the proposed vacation. Easements for the sewer and water lines will be reserved by and for the future use of the City.

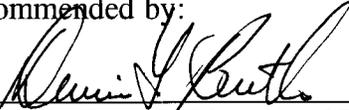
The Planning Commission held a public hearing on this proposal at its regular meeting of January 8, 2004. By unanimous vote, it found that this proposal is categorically exempt from CEQA; found that the proposed vacation of right-of-way and easements, as shown on the attached map, is not in conflict with the General Policies Plan; and recommended to the City Council that it adopt a resolution vacating a portion of Baumberg Court.

Prepared by:



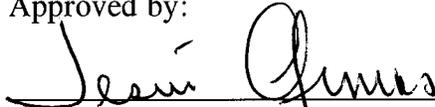
Robert A. Bauman, Deputy Director of Public Works

Recommended by:



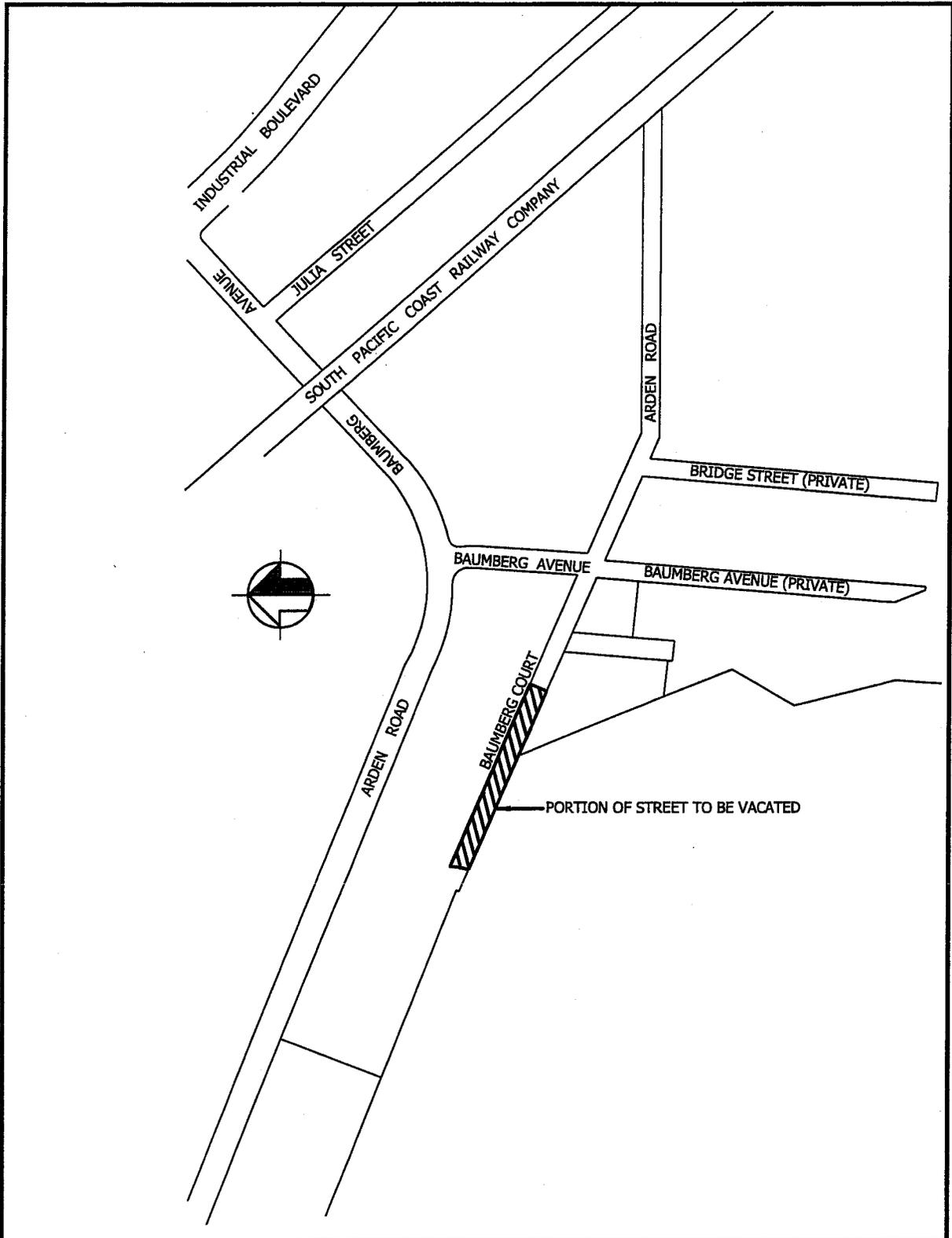
Dennis L. Butler, Director of Public Works

Approved by:



Jesús Armas, City Manager

Exhibits: Vicinity Map



			CITY OF HAYWARD ENGINEERING DIVISION		VICINITY MAP OF PROPOSED VACATION PORTION OF BAUMBERG COURT		DWG. NO. 03008		
			DRAWN BY: JNP	DATE: 12-18-03			FILED		
			CHECKED BY: JNP	SCALE: 1"=300'			SHT. 1 of 1		
			APPD. BY	APPROVED					
REV	DATE	BY	CITY ENGINEER	DIR. PUBLIC WORKS					

Exhibit A

DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

MW
1/13/04

RESOLUTION DECLARING AN INTENTION TO VACATE
BAUMBERG COURT WEST OF BAUMBERG AVENUE AND
SETTING THE DATE AND TIME OF THE PUBLIC
HEARING

WHEREAS, the City Council proposes to vacate its roadway easement in Baumberg Court, reserving a public utility easement, which has heretofore been dedicated for public purposes by deed, usage, or otherwise; and

WHEREAS, such proposal was heard by the Planning Commission on January 8, 2004, and referred to the City Council with a recommendation for approval.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward, as follows:

1. That the City Council does hereby declare its intention to vacate its roadway easement in Baumberg Court, subject to a reservation of a utility easement, which has heretofore been dedicated by deed, usage, or otherwise;
2. That these vacation proceedings are conducted pursuant to Section 8320 et seq. of the California Streets and Highways Code; and
3. That reference is hereby made to the map on file in the office of the City Clerk for further particulars as to the proposed vacation and description of the area to be vacated, attached hereto as Exhibit "A;" and
4. That Tuesday, February 3, 2004, at the hour of 8:00 p.m., in the Council Chambers at 777 B Street, Hayward, California, is hereby fixed as the time and place for hearing all persons interested in or objecting to the proposed vacation; and
5. That copies of this resolution of intention shall be posted conspicuously along the lines of the subject easement or parts thereof proposed to be vacated at least two weeks before the date set for hearing, and be posted no more than 300 feet apart; but, in any event, at least three copies of this resolution of intention shall be posted; and

6. That a copy of this resolution of intention shall be published in The Daily Review, a newspaper of general circulation, once each week during two successive weeks prior to the hearing, pursuant to Streets and Highways Code section 8322(c)(1).

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2004

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward