

CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 12/07/04

AGENDA ITEM 6

WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Resolution of Vacation to Vacate Burbank Street between "B" Street and "C" Street, and "C" Street between Burbank Street and Filbert Street

RECOMMENDATION:

It is recommended that the City Council adopt the attached Resolution of Vacation to vacate portions of Burbank Street and "C" Street to accommodate the future Burbank School site.

DISCUSSION:

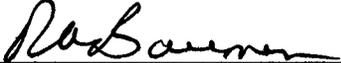
With the development of the Cannery Area and construction of a new Burbank School, there is the need to vacate portions of Burbank and C Streets as shown in Exhibit A. After vacation of the street right-of-way, title to all of the underlying property will not automatically transfer to the Hayward Unified School District (HUSD). Title transfer of this property to the HUSD for the new Burbank School will occur at a future date.

There are public utilities within the areas of street to be vacated. Because of the planned future construction, these public utilities will require relocation by the various utility owners. Action by the City to vacate the street right of way at this time will allow the utility companies to plan now for the relocation of their facilities, which will need to be completed prior to construction of the new Burbank School. The effective date of the street vacation will coincide with the closure of the streets, which will not occur until construction of the school begins. The school construction is planned to begin in the late Spring of 2006. Because the sewer line must remain active until it is replaced by a new line in the future extension of Filbert Street, sewer easements will be retained until completion of the necessary construction in the winter of 2007.

Under the California Environmental Quality Act Guidelines (CEQA), Section 15305, Class 5, Minor Alterations of Land Use Limitations and City Guidelines, the vacation of excess right-of-way is exempt from the application of CEQA.

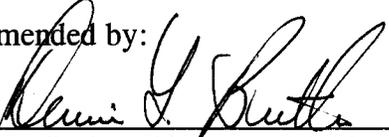
On November 4, 2004, the Planning Commission reviewed this proposal, found it to be consistent with the General Plan and unanimously recommended its approval to Council. Notice of this proposal was published in the Daily Review and notices were posted on the affected streets, as required by law.

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

Attachments: Exhibit A: Plat of Vacation

DRAFT

NA
11/29/03

HAYWARD CITY COUNCIL

RESOLUTION NO. 04-

Introduced by Council Member _____

RESOLUTION VACATING A PORTION OF BURBANK STREET BETWEEN "B" STREET AND "C" STREET, AND "C" STREET BETWEEN BURBANK STREET AND FILBERT STREET

WHEREAS, development of the Cannery Area and construction of the new Burbank School requires vacating portions of Burbank Street and C Street to accommodate the new Burbank School site; and

WHEREAS, title transfer of the property will not automatically transfer to the Hayward Unified School District, but will occur at a future date; and

WHEREAS, public utilities within the areas of streets to be vacated will need to be vacated and relocated by the various utility owners prior to construction of the new Burbank School which is scheduled to take place in late spring of 2006; and

WHEREAS, the vacation of the excess right-of-way is exempt pursuant to section 15305, class 5 of the California Environmental Quality Act, Minor Alterations of Land Use Limitations and City Guidelines.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that, pursuant to California Streets and Highways Code section 8333(c), it is hereby ordered that the portion of Burbank Street between "B" Street and "C" Street and "C" Street between Burbank Street and Filbert Street, as more particularly described in Exhibit "A" attached hereto and made a part hereof, is hereby vacated and the City Clerk is authorized and directed to cause a certified copy of this resolution to be recorded in the office of the County Recorder of Alameda.

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