



CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 06/05/07
AGENDA ITEM 6
WORK SESSION ITEM _____

TO: Mayor and City Council
FROM: Director of Public Works
SUBJECT: Summary Vacation of Pedestrian Way Easement, Inglewood Street

RECOMMENDATION:

It is recommended that the City Council adopt the attached resolution pertaining to the summary vacation of a 12-foot-wide pedestrian way easement.

DISCUSSION:

A 12-foot-wide pedestrian way easement was offered for dedication and accepted by the City on November 19, 1951. The intent was for the pedestrian way to serve the lands and future development to the south of Inglewood Street. When the lands to the south were subdivided, they did not provide for the continuation of this pedestrian way. The pedestrian way was eventually fenced off and has, for many years, been used by the various owners of 26608 Underwood Street. The property owner at 1072 Inglewood Street requested this action in order to move his property line and allow him to add on to his house.

This action qualifies as a summary vacation as defined under the California Streets and Highways Code. A summary vacation is appropriate based on the fact that the pedestrian way being vacated has not been used for pedestrian purposes for the preceding five years, will not be used for such purposes in the future, and is, therefore, excess right of way.

Except for a storm drain line, there are currently no other public utilities (such as sewer or water) within the area to be vacated. The storm drain in this pathway serves the adjoining tracts to the south. An easement for this storm drain will be retained over the entire 12-foot-wide area.

Upon vacation of this pathway, six feet of it will be quitclaimed to the owner of 26608 Underwood Avenue, and the other six feet will be quitclaimed to the owner of 1072 Inglewood Street (see Exhibit A). This is necessary to establish a clear title to the portions of easements being vacated.

The effective date of the vacation will be when the Resolution of Vacation is adopted and recorded, as well as a Quit Claim Deed executed and recorded with the Alameda County Recorder for each of the adjoining lots.

Staff has discussed the vacation with both the applicant and the adjoining owner. Both parties discussed the proposed vacation and have agreed that the applicant will bear the costs of moving the fence and any other appurtenances necessary.

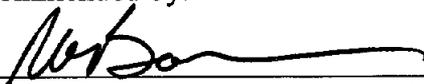
Vacation of excess right-of-way is categorically exempt under the California Environmental Quality Act Guidelines (CEQA), Section 15305, Class 5, Minor Alterations of Land Use Limitations.

Prepared by:



Morad Fakhrai, Deputy Director of Public Works

Recommended by:



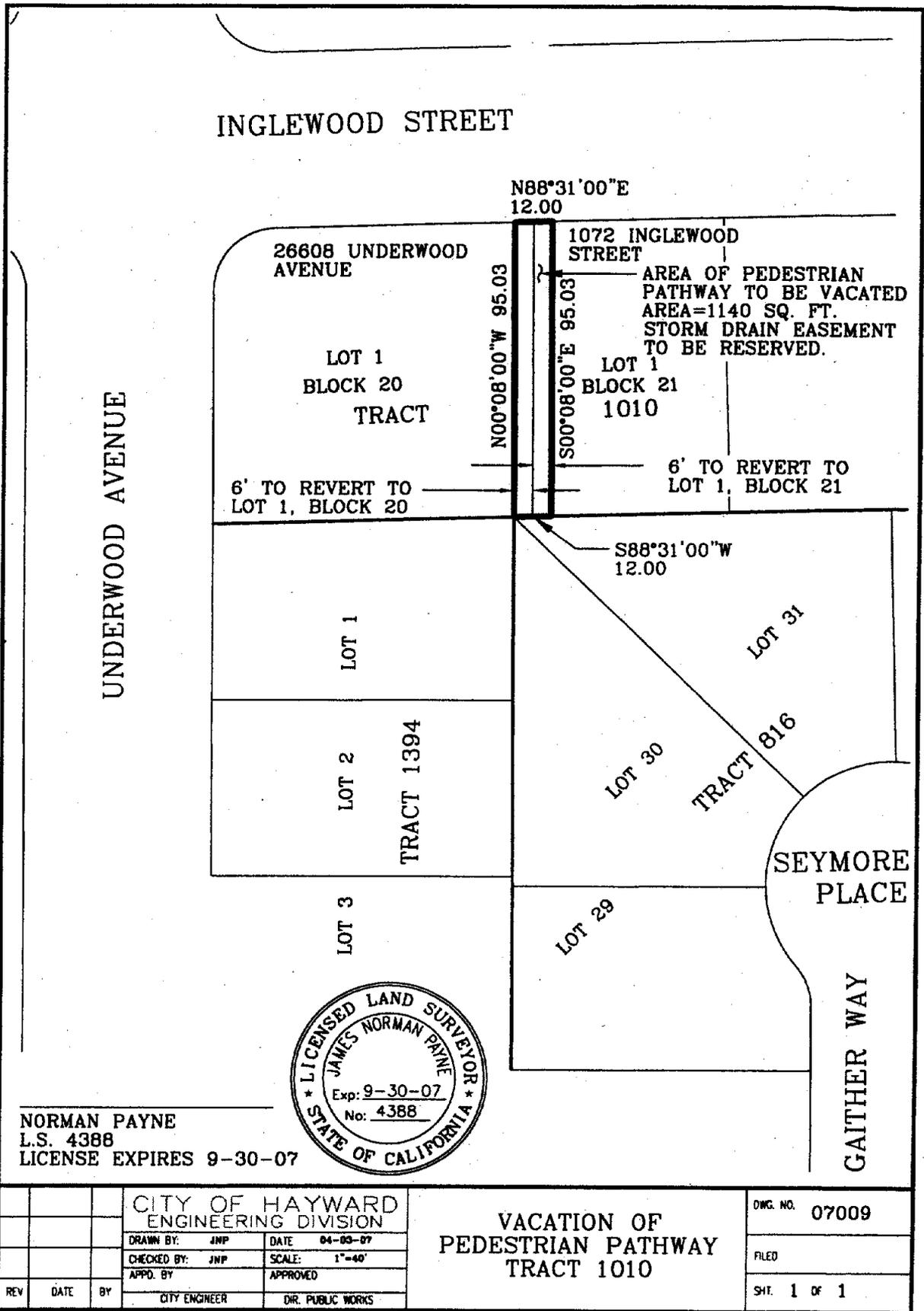
Robert A. Bauman, Director of Public Works

Approved by:



Jesús Armas, City Manager

Attachments: Exhibit A: Plat of Vacation



CITY OF HAYWARD ENGINEERING DIVISION			VACATION OF PEDESTRIAN PATHWAY TRACT 1010			DWG. NO. 07009	
DRAWN BY: JNP		DATE: 04-03-07		FILED			
CHECKED BY: JNP		SCALE: 1"=40'		SH. 1 OF 1			
APPD. BY:		APPROVED:					
REV	DATE	BY	CITY ENGINEER	DR. PUBLIC WORKS			

Exhibit A

DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. 07-

Introduced by Council Member _____

**RESOLUTION PERTAINING TO THE SUMMARY
VACATION OF A 12-FOOT-WIDE PEDESTRIAN WAY
EASEMENT**

WHEREAS, the 12-foot-wide pedestrian way easement between Lot 1, Block 20 and Lot 1, Block 21 of Tract 1010 was intended to serve as a pedestrian way to provide access to the future development to the south of Inglewood Street. As development occurred, the pedestrian way was not continued, the existing path has not been utilized, and the property owner at 1072 Inglewood Street has requested summary vacation of the easement in order to move his property line and allow him to add on to his house; and

WHEREAS, the pedestrian way being vacated has not been used for pedestrian purposes for the preceding five years, will not be used for such purposes in the future, and is, therefore, excess right of way which qualifies as a summary vacation pursuant to the Streets and Highways Code; and

WHEREAS, upon vacation of the pathway, six feet will be quitclaimed to the owner of 26608 Underwood Avenue, and the other six feet will be quitclaimed to the owner of 1072 Inglewood Street, and the City will retain the easement for the storm drain only; and

WHEREAS, vacation of excess right-of-way is categorically exempt under the California Environmental Quality Act Guidelines (CEQA), section 15305, Class 5, Minor Alterations of Land Use Limitations.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that, pursuant to California Streets and Highways Code section 8334(a), it is hereby ordered that the 12-foot-wide pedestrian way easement as more 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.

BE IT FURTHER RESOLVED, that the City Manager is authorized to execute quitclaim deeds to the adjoining property owners for the portion of the pedestrian way easement to be vacated

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