



CITY OF  
**HAYWARD**  
HEART OF THE BAY

5

**DATE:** November 18, 2008  
**TO:** Mayor and City Council  
**FROM:** Director of Public Works  
**SUBJECT:** Summary Vacation of a Portion of Grand View Avenue

**RECOMMENDATION**

That Council adopts the attached resolution pertaining to the summary vacation of a portion of Grand View Avenue.

**BACKGROUND**

A portion of the existing right-of-way (cul-de-sac) at the southerly end of Grand View Avenue is no longer needed for street right-of-way. The right-of-way for the cul-de-sac was created in 1989 with the approval of Tract 3011, "Grand View Estates." The portion to be vacated consists of the area contained within the cul-de-sac. A 20-foot-wide easement will be retained for a Public Utility Easement (PUE), as well as a 12-foot-wide easement, which is the southerly prolongation of the Lot "A" and an emergency vehicle access easement. Once vacated, this portion of Grand View Avenue would revert to the adjacent property owners.

**DISCUSSION**

A request to vacate the cul-de-sac at the southerly end of Grand View Avenue was received from both adjacent property owners at 2101 and 2109 Pappas Place. The right-of-way for the Grand View Avenue cul-de-sac was offered to the public and accepted by the City Council on approval of Tract No. 6011, "Grand View Estates" on June 19, 1990, by Resolution No. 90-133 C.S. The Tract was filed in book 192 of Tract Maps at pages 86 and 87 with the County Recorder on August 10, 1990.

The City determined that the construction of this cul-de-sac should be deferred until such time as the remainder of Grand View Avenue is improved to City standards. The City authorized execution of an agreement for public street improvements for Tract 6011 by Resolution No. 90-134 on June 19, 1990. The subdividers of this tract executed this agreement on June 25, 1990, and made a deposit to the City in the amount of \$26,500 to satisfy the tentative map condition to construct the cul-de-sac. The cul-de-sac was not constructed and, with Council approval, the deposit was used to improve the Emergency Vehicle Access Easement from Pappas Place to Grand View Avenue and to make pavement improvements on Grand View Avenue.

A PUE will be reserved over the southwesterly 20-feet of the cul-de-sac, as well as an Emergency Vehicle Access Easement, which will be an extension of the existing Lot "A," as shown on the legal description and attached plat (see Exhibit A to Resolution). Lot "A" was created with Tract 3011 and

is owned by the City. The extension of the Emergency Vehicle Access Easement is 12-foot wide until it intersects the 20-foot-wide PUE.

Upon vacation of the City right-of-way, the underlying fee title to the vacated cul-de-sac will revert to the applicants, who are the fee owners of Lots 14 and 15 of Tract 6011. The reversion of the cul-de-sac to these lots will be along a line beginning at the center of the 12-foot wide Lot "A" and continuing along a bearing parallel with the side lines of Lot "A" to the southwesterly line of the Tract.

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.

### **FISCAL IMPACT**

This action creates no cost to the City.

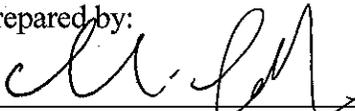
### **PUBLIC CONTACT**

The adjacent property owners who requested this action are aware of their responsibilities to construct and maintain the fencing on either side of the Emergency Vehicle Access Easement and have been notified. 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 cul-de-sac was never built. No public hearing is required, because it is a summary vacation.

### **SCHEDULE**

The effective date of the vacation will be when the Resolution of Vacation adopted by Council is filed for recordation with the Alameda County Recorder.

Prepared by:



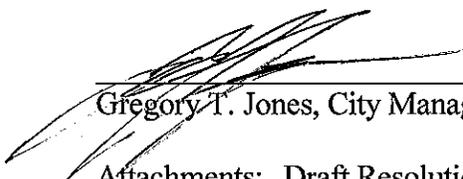
Morad Fakhrai, Deputy Dir. of Public Works

Recommended by:



Robert A. Bauman, Director of Public Works

Approved by:

  
\_\_\_\_\_  
Gregory T. Jones, City Manager

Attachments: Draft Resolution



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

**EXHIBIT "A"**  
**LEGAL DESCRIPTION OF PROPOSED STREET VACATION**  
**OF GRAND AVENUE CUL-DE-SAC**

REAL property in the City of Hayward, County of Alameda, State of California, described as follows:

A VACATION of a portion of Grand View Avenue, as shown on Tract Map No. 6011, filed November 20, 1991, in Book 199 of Maps, at Page 20, in the office of the County Recorder of Alameda County, more particularly described as follows:

BEGINNING at the most westerly corner of said map (199 M 20); thence along the northwesterly line of said map (199 M 20), North 28°11'32" East to the northeasterly right of way line of said Grand View Avenue; thence leaving said northwesterly line, easterly along the arc of a non-tangent 25.50 foot radius curve to the left, the center of which curve bears North 36°01'48" East, through a central angle of 75°31'21", an arc length of 33.61 feet to a point of reverse curvature; thence along the arc of a 44.50' radius curve to the right through a central angle of 204°31'01", an arc length of 58.84 feet to the southwesterly line of said map (199 M 20); thence along last said line North 53°58'12" West to the POINT OF BEGINNING.

RESERVING the southwesterly 20.00 feet for the existing P.U.E. (Public Utility Easement) as shown on said map (199 M 20).

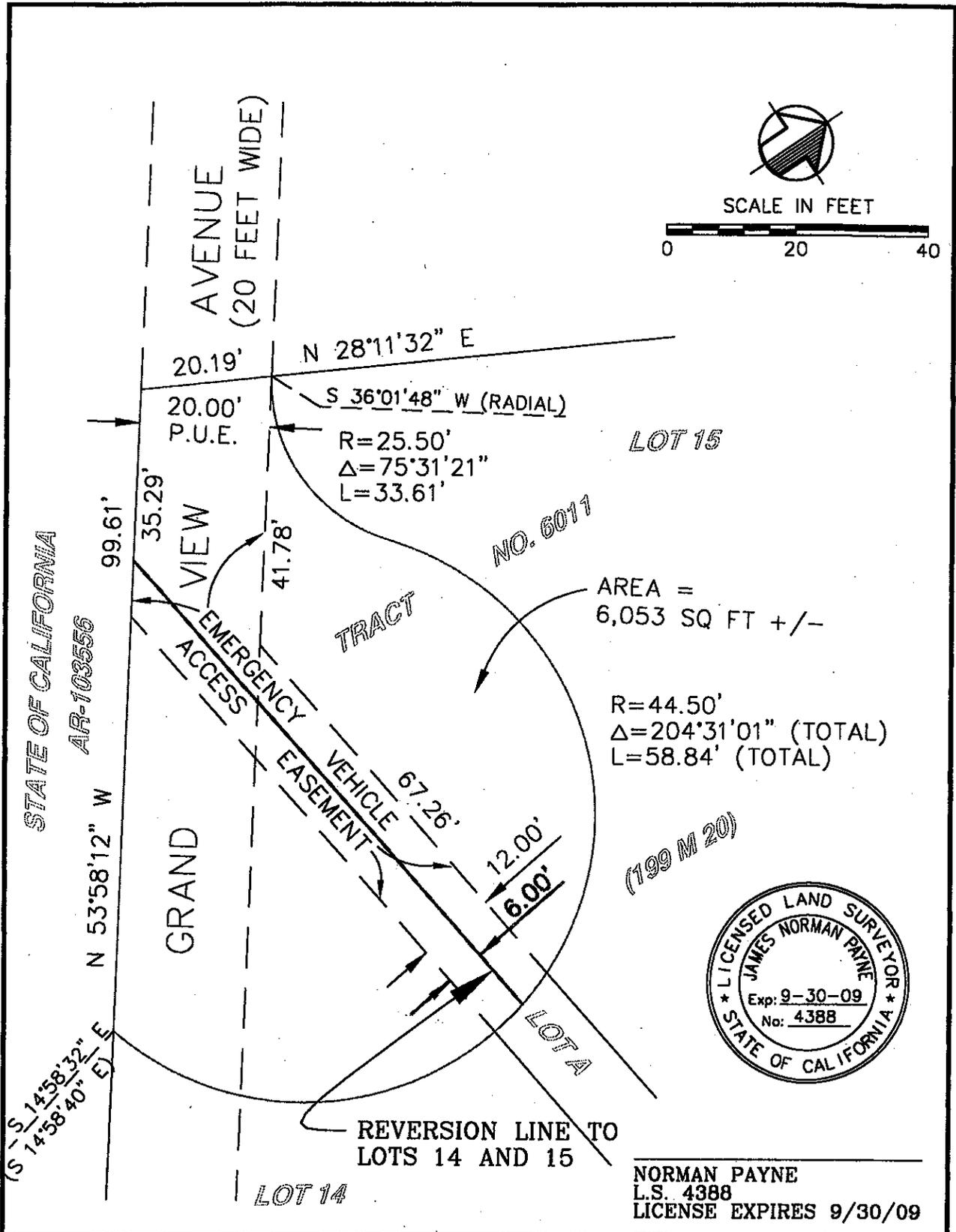
ALSO RESERVING a 12.00 foot strip of land being the southwesterly prolongation of 'Lot A' as shown on said map (199 M 20) together with a 20.00 foot strip of land running northwesterly from the southeasterly prolongation line of said 'Lot A' over the existing Public Utility Easement.

Containing 6,053 square feet more or less, as shown on the attached plat, Drawing Number 05014 and made a part hereof.

April 7, 2008

NORMAN PAYNE  
L.S. No. 4388  
License Expires 09/30/09





STATE OF CALIFORNIA  
AR-103556

(S 14°58'40" E 138'32" E)  
N 53°58'12" W

AVENUE  
(20 FEET WIDE)

20.19'  
20.00' P.U.E.  
N 28°11'32" E  
S 36°01'48" W (RADIAL)  
R=25.50'  
Δ=75°31'21"  
L=33.61'

LOT 15

NO. 6011

AREA =  
6,053 SQ FT +/-

R=44.50'  
Δ=204°31'01" (TOTAL)  
L=58.84' (TOTAL)

(199 M 20)

GRAND

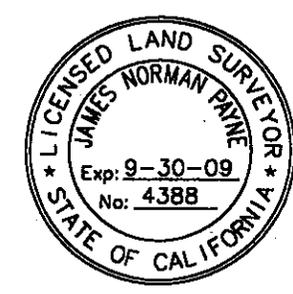
VIEW  
EMERGENCY VEHICLE ACCESS EASEMENT

TRACT

67.26'  
12.00'  
6.00'  
LOTA

REVERSION LINE TO  
LOTS 14 AND 15

LOT 14



NORMAN PAYNE  
L.S. 4388  
LICENSE EXPIRES 9/30/09

CITY OF HAYWARD ENGINEERING DIVISION			VACATION OF GRANDVIEW AVENUE CUL-DE-SAC	DWG. NO. 08021
REV	DATE	BY		FILED
			SHT. 1 OF 1	
		CITY ENGINEER	DIR. PUBLIC WORKS	

Exhibit A-2