



CITY OF HAYWARD
AGENDA REPORT

PLANNING COMMISSION

MEETING DATE 02/24/00

AGENDA ITEM 3

TO: Planning Commission

FROM: Norman Payne, Survey Engineer

SUBJECT: Referral From the Public Works Director - Summary Vacation of 10-foot-wide Storm Drain Easement Along the South Line of Lot 3, Tract 5153 Near Wiegman Road

RECOMMENDATION:

It is recommended that the Planning Commission

1. Find that this action is exempt from the provisions of the California Environmental Quality Act (CEQA);
2. Find that this action complies with the General Plan;
3. Find that this easement is no longer necessary for public purposes; and
4. Recommend to the City council that they adopt a Resolution vacating the easement.

DISCUSSION:

The 10-foot-wide storm drain easement was created with the approval of Tract 5153 in July 1986. This easement was created for the purpose of connecting the drainage from Wiegman Road to the Alameda County flood control channel. When the tract grading was done, the storm drain-pipe intended for this easement was not constructed, and instead the lots were graded to drain to a field inlet for each lot. The channel that this easement was to drain into was abandoned and filled in with the lot grading.

A note on the "as-built" drawing states that "all field inlets are for temporary drainage of the lots. Each lot will have to have separate site drainage approval from the Alameda County Flood Control District at the time the lot is developed." The lots that contained the Alameda County flood control channel are now developed with buildings, paved parking areas, and other improvements.

The California Streets & Highways Code, Section 833 (a), Article 4, " Summary Vacation," provides that if the easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation, the easement may be summarily vacated. This easement has not been used for the intended use since the "as-built" grading plans were filed January 1, 1987.

This vacation action would eliminate any further City liability in relation to this property and free the property of an unnecessary encumbrance on the title to the property. The full use of the property will revert back to the property owner, who plans to build within this area. This action conforms to the General Plan by virtue of not creating or aggravating problems of flooding.

Environmental Review

The vacation is a ministerial act and thereby is exempt from CEQA and no evaluation or environmental documentation is necessary.

Public Notice

The easement has been posted and the property owners within a 300-foot radius have been notified by mail.

Prepared by:

for *Dyana Anderly*
Norman Payne
Survey Engineer

Recommended by:

for *Dyana Anderly*
Robert A. Bauman
Deputy Director of Public Works

Attachments:

- Location Map
- A. Legal Description
- B. Plat

LOCATION MAP

VACATION SITE

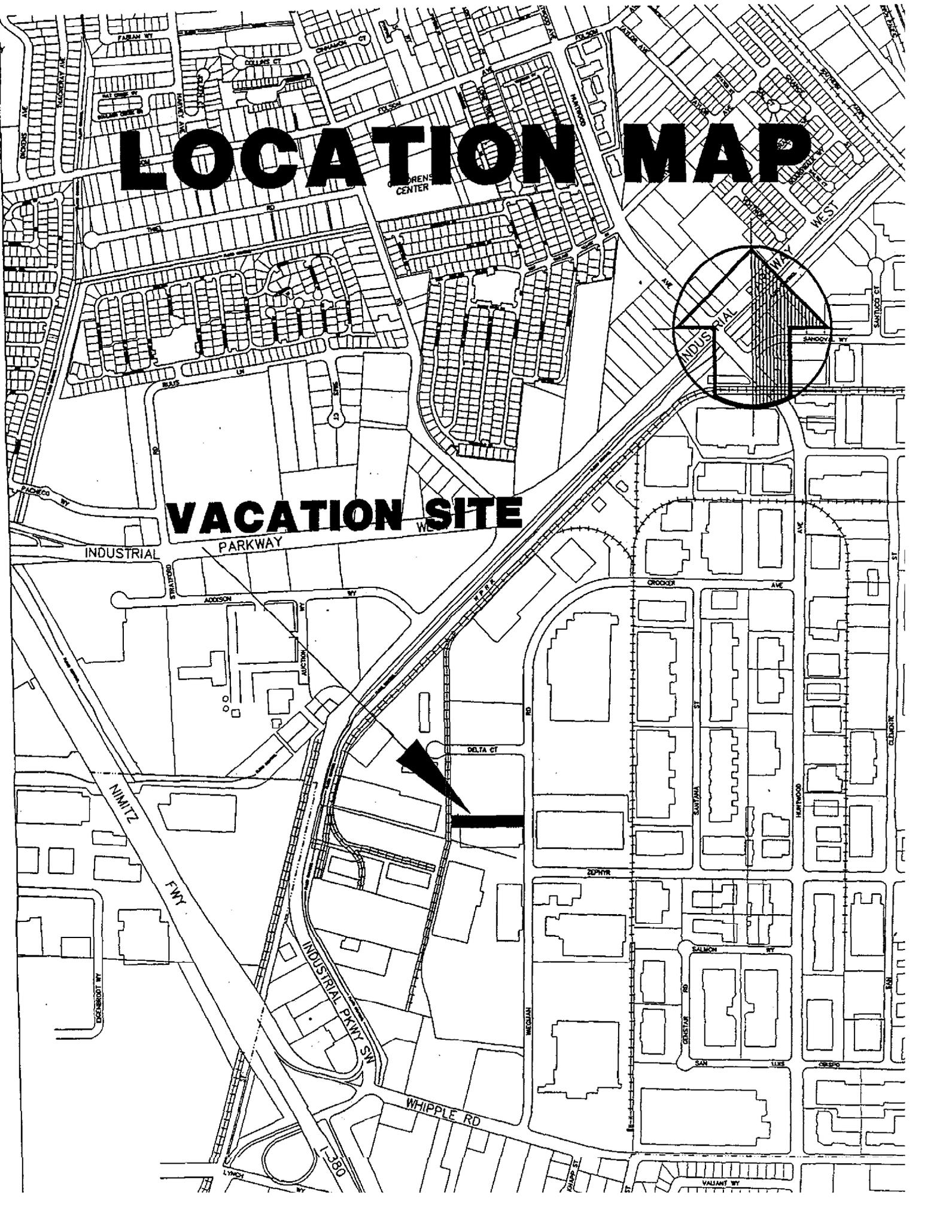
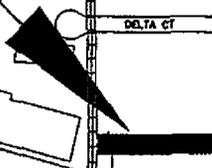
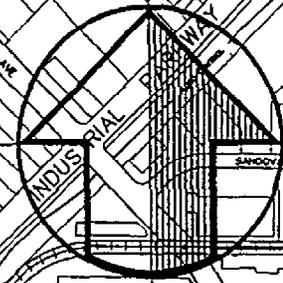


EXHIBIT "A"

LEGAL DESCRIPTION

STORM DRAIN EASEMENT (S.D.E.) VACATION
LOT 3, TRACT 5153

REAL PROPERTY SITUATE IN THE STATE OF CALIFORNIA, COUNTY OF ALAMEDA, CITY OF HAYWARD, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT CERTAIN 10 FOOT WIDE BY 529.39 FOOT LONG PUBLIC STORM DRAIN EASEMENT (S.D.E.) LYING WITHIN LOT 3, TRACT 5153 HEREINBELOW DESCRIBED WHICH SAID STORM DRAIN EASEMENT HAVING BEEN DEDICATED TO THE PUBLIC FOREVER BY AND ON THAT CERTAIN MAP OF TRACT 5153, CITY OF HAYWARD, ALAMEDA COUNTY, CALIFORNIA, FILED FOR RECORD ON JULY 11, 1986 IN BOOK 162 OF MAPS AT PAGES 59 THROUGH 61, INCLUSIVE, OFFICIAL RECORDS OF ALAMEDA COUNTY, SAID STORM DRAIN EASEMENT HAVING BEEN ACCEPTED ON BEHALF OF THE PUBLIC BY RESOLUTION NO. 86-17205 ON JUNE 17, 1986 BY THE COUNCIL OF THE CITY OF HAYWARD.

A PLAT OF THE ABOVE DESCRIBED PARCEL OF LAND IS ATTACHED HERETO AS EXHIBIT "B", AND BY THIS REFERENCE MADE A PART HEREOF.

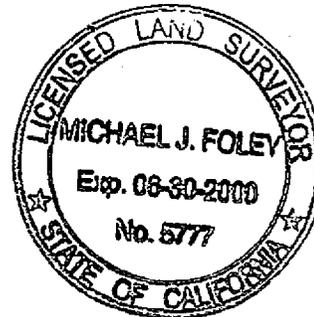
THIS REAL PROPERTY DESCRIPTION HAS BEEN PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYOR'S ACT, AND SHALL NOT BE UTILIZED IN ANY CONVEYANCE WHICH MAY VIOLATE THE SUBDIVISION MAP ACT OF THE STATE OF CALIFORNIA OR LOCAL ORDINANCES.

EXECUTED THIS 10TH DAY OF OCTOBER, 1999.

KIER & WRIGHT CIVIL ENGINEERS & SURVEYORS, INC.



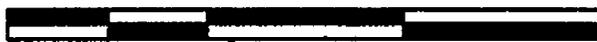
MICHAEL J. FOLEY
PROFESSIONAL LAND SURVEYOR
STATE OF CALIFORNIA
L.S. NUMBER 5777
LICENSE EXPIRATION DATE: 06-30-2000



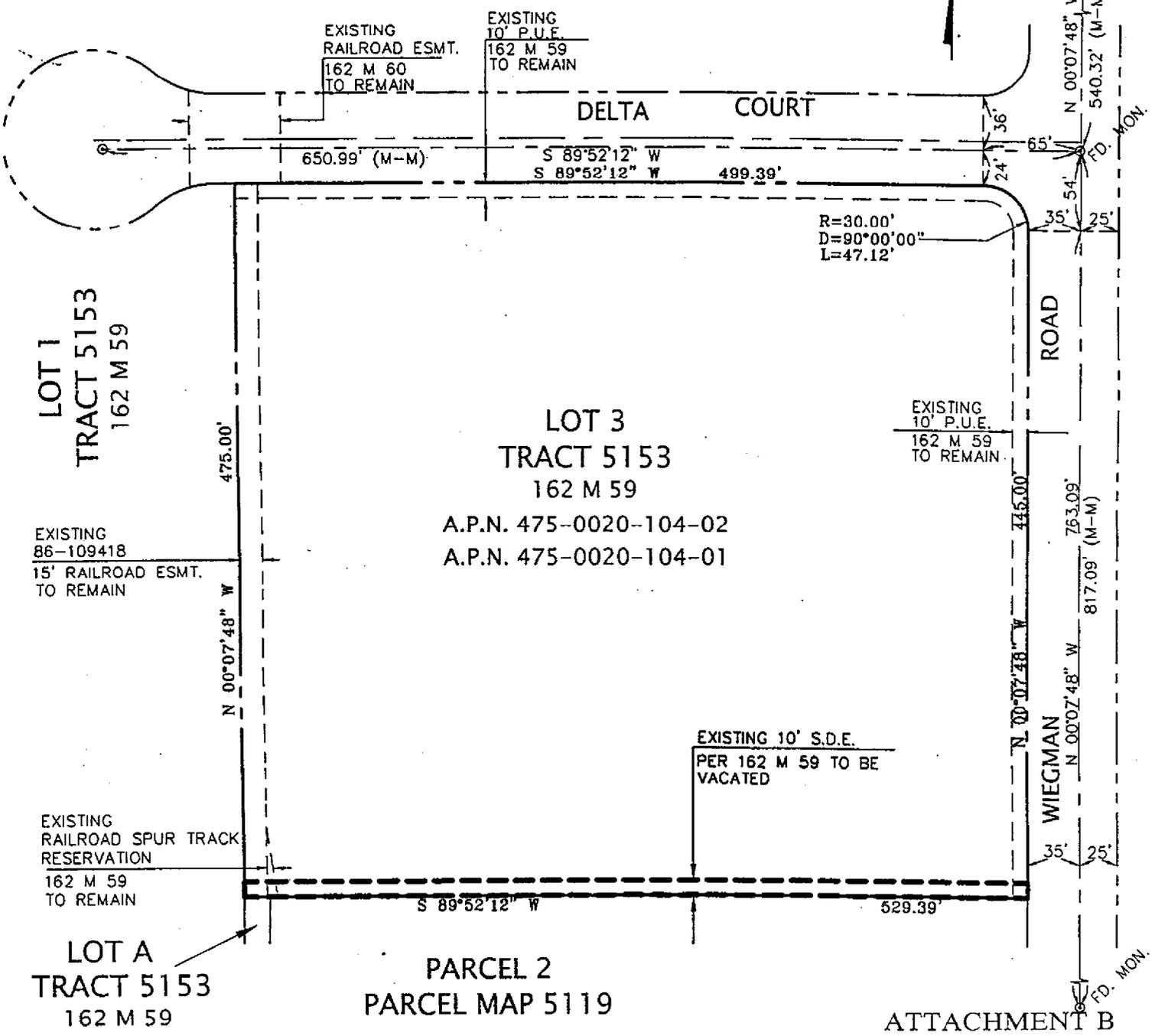
END OF WRITTEN DESCRIPTION
END OF EXHIBIT "A"

ATTACHMENT A

0 100 200 300



Scale 1" = 100 ft



LOT 1
TRACT 5153
162 M 59

LOT 3
TRACT 5153
162 M 59

A.P.N. 475-0020-104-02
A.P.N. 475-0020-104-01

EXISTING
86-109418
15' RAILROAD ESMT.
TO REMAIN

EXISTING
RAILROAD SPUR TRACK
RESERVATION
162 M 59
TO REMAIN

LOT A
TRACT 5153
162 M 59

PARCEL 2
PARCEL MAP 5119

ATTACHMENT B

Z:\DRAW\99588\99588SDE-VAC.dwg 10-11-99 7:58:35 PDT

KIER & WRIGHT
CIVIL ENGINEERS & SURVEYORS, INC.
5990 West Lee Road, Suite 31 (916) 731-8960

EXHIBIT "B"
PLAT OF DESCRIPTION
STORM DRAIN EASEMENT VACATION
LOT 3 - TRACT 5153

| | |
|-------|----------|
| SCALE | 1"=100' |
| DATE | 10/11/99 |
| BY | MJR |