

HAYWARD CITY COUNCIL

RESOLUTION NO. 26-___

Introduced by Council Member _____

RESOLUTION RESERVING A BLANKET PUBLIC UTILITY EASEMENT AND STORM DRAIN EASEMENT ACROSS THE ENTIRETY OF THE VACATED RIGHT-OF-WAY OF VALLEY STREET EAST OF 4TH STREET TO C STREET; A CORRECTIVE ACTION TO RESOLUTION NO. 23-085

WHEREAS, on April 11, 2023, following a noticed public hearing conducted pursuant to California Streets and Highways Code Sections 8320 et seq., the City Council adopted Resolution No. 23-085 vacating the right-of-way of Valley Street east of 4th Street to C Street, and the vacation was recorded and became effective upon recordation; and

WHEREAS, in adopting Resolution No. 23-085, the City intended to preserve appropriate rights for present and future public utilities and storm drainage facilities within or across the former right-of-way corridor; and

WHEREAS, subsequent review and coordination by City staff and the City Surveyor has determined that the 2023 vacation resolution did not expressly reserve a blanket public utility easement and storm drain easement across the entirety of the vacated right-of-way, and reserving such easements is necessary to protect the public health, safety, and welfare and the City's ability to access, operate, maintain, repair, replace, and reconstruct municipal facilities; and

WHEREAS, the City Council desires to take a corrective action to clarify and reserve these easements across the entire area previously vacated by Resolution No. 23-085, without otherwise reversing or re-opening the underlying right-of-way vacation.

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

1. City Council does hereby find that reserving a blanket Public Utility Easement and a blanket Storm Drain Easement across the entirety of the former Valley Street right-of-way vacated by Resolution No. 23-085 is necessary to protect present and future public use, including the City's ability to install, access, operate, maintain, repair, replace, and reconstruct public utility and storm drainage facilities and appurtenances, together with the right of ingress and egress for such purposes.

2. City Council does hereby reserve and except from the prior vacation a blanket Public Utility Easement and a blanket Storm Drain Easement across the entirety of the area previously vacated by Resolution No. 23-085, as depicted in Attachment III attached hereto and incorporated herein by this reference. The blanket Public Utility Easement is reserved for public utilities of every kind and description, including but not limited to water, sanitary sewer, storm drainage, recycled water, electrical, communications/fiber, and related appurtenances. The blanket Storm Drain Easement is reserved for storm drainage facilities and appurtenances, including access for construction, operation, maintenance, repair, replacement, and reconstruction.
3. City Council does hereby confirm that, except as expressly provided by this corrective easement reservation, Resolution No. 23-085 and the vacation of the Valley Street right-of-way east of 4th Street to C Street remain in full force and effect, and this resolution is intended solely to reserve the easement interests described herein.
4. Reference is hereby made to the map and description of the easement area attached hereto as Attachment III, and on file in the office of the City Clerk.
5. City Clerk is authorized and directed to cause a certified copy of this resolution to be recorded in the office of the Alameda County Recorder. This corrective reservation shall be effective upon recordation.

BE IT FURTHER RESOLVED that this action is exempt from environmental review in accordance with CEQA pursuant to CEQA Guidelines Section 15301, Class 1 (Minor Alteration of Existing Facilities) and/or CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption), because reserving easements is an administrative/legal action that does not authorize construction and does not have the potential to cause a physical change in the environment.

