

HAYWARD CITY COUNCIL

RESOLUTION NO. 18-_____

Introduced by Council Member _____

RESOLUTION TO SUMMARILY VACATE A 5-FOOT WIDE STORM DRAIN
EASEMENT ON 28168 MISSION BOULEVARD

WHEREAS, Chapter 3 of Part 3 of Division 9 of the Streets and Highways Code of the State of California authorizes the City Council to vacate a public easement if the City Council determines that it is excess and there are no other public facilities located within the easement or in use that would be affected by the vacation; and

WHEREAS, The easement being vacated has not been used for storm drain purposes and will not be used for such purposes in the future; and

WHEREAS, Once vacated, all public rights will be extinguished, and all private rights are revived; and

WHEREAS, The 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, and qualifies as a summary vacation as defined under California Streets and Highways Code Section 8333(c).

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 that the storm drain easement as more specifically described in Attachment III to this resolution, attached hereto and made a part hereof, is determined to be excess and there are no other public facilities located within the easement.

BE IT FURTHER RESOLVED that the storm drain easement specifically described in Attachment III to this resolution, 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 _____, 2018

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