

HAYWARD CITY COUNCIL

RESOLUTION NO. 19-\_\_\_\_\_

Introduced by Council Member \_\_\_\_\_

RESOLUTION VACATING A PORTION OF RIGHT-OF-WAY AT 3138  
BAUMBERG AVENUE

WHEREAS, the property owner at 3138 Baumberg Avenue has requested this City Council to vacate the portion of Baumberg Avenue right-of-way not used for street purposes as provided for in Section 8320 of the Streets and Highways code; and

WHEREAS, Baumberg Avenue (Ramos Street) right-of-way was accepted as a public highway in 1919 by the Alameda County Board of Supervisors, as shown on the Map of Ramos Subdivision which was later annexed to the City of Hayward; and

WHEREAS, the City Council, by its Resolution No. 19-017, declared its intent to vacate the portion of Production Avenue right-of-way not used for street purposes and set the time, date and place for a public hearing; and

WHEREAS, notices of public hearing were posted on-site and published in the Daily Review, a newspaper of general circulation in Hayward as per the Streets and Highways Code section 8322 and 8323); and

WHEREAS, the City Council conducted a public hearing on February 19, 2019 pursuant to Section 8320 et seq. of the California Streets and Highways Code to consider vacation of a portion of public street right-of-way not improved or used for street purposes at 3138 Baumberg Avenue, reserving easements to construct, maintain, operate, replace, remove or renew public utilities, sanitary sewers and storm drains and appurtenant structures, and the City's public service facilities.

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

1. City Council does hereby vacate a portion of public street right-of-way fronting 3138 Baumberg Avenue, reserving easements to construct, maintain, operate, replace, remove or renew public utilities, sanitary sewers and storm drains and appurtenant structures, and the City's public service facilities; and
2. Reference is hereby made to the map and description of the right-of-way vacated, attached hereto as Exhibits A and B respectively, and on file in the office of the City Clerk; and

3. 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, and from and after the date of this resolution is recorded, the right of way vacated herein shall no longer constitute a street or highway.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2019

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