



DATE: February 19, 2019

TO: Mayor and City Council

FROM: Interim Director of Public Works

SUBJECT: Vacation of 3138 Baumberg Avenue: Public Hearing and Resolution
Approving Excess Right-of-Way Vacation and Authorizing Quit Claim Deed

RECOMMENDATION

That the City Council conducts a public hearing, considers comments received before the public hearing is closed, and adopts the Resolution (Attachment II) vacating a portion of street right-of-way at 3138 Baumberg Avenue, reserving easements for public utilities, the City's sewer and water mains and public service facilities.

SUMMARY

The City Council received a staff report at its regularly scheduled meeting on January 29, 2019 stating that a portion of the existing street right-of-way, behind the new sidewalk at 3138 Baumberg Avenue, is not needed for street purposes. The Council adopted Resolution No. 19-017 setting a public hearing at tonight's meeting to consider vacating the said right-of-way. The notice of public hearing was published and posted on site as per the requirements of California Streets and Highways Code Sections 8322 and 8323. The fronting property owner has requested the City to vacate the portion of the street right-of-way not needed for street purposes to allow uses not conflicting with existing public utilities in the area. The request submitted by the property owner conforms to the City adopted General Plan and its mobility and complete streets guidelines.

BACKGROUND

The Baumberg Avenue street right-of-way was initially dedicated for Ramos Street on the Map of Ramos Subdivision in October 1919. Later, this right-of-way was widened, and the street improvements were partially completed, and aligned with Arden Road to the west. Recently completed street improvements fronting 3138 Baumberg Avenue have left the ground behind the new sidewalk unimproved, which is not needed for street purposes and attracts illegal dumping that must be removed by City staff. The referenced area is shown in Attachment III.

The proposed street right-of-way vacation will reserve easements for public utilities, the City's sewer and water mains, and their appurtenances to allow continued use by such existing or additional public service facilities. The street right-of-way requested for vacation is approximately 4,621 square feet and is described in Exhibit A and shown in Exhibit B (Attachment IV) to this report.

DISCUSSION

The existing street right-of-way behind the new sidewalk at 3138 Baumberg Avenue has limited scope for streetscape enhancement or other street related uses because of existing underground sewer and water mains, and overhead utilities. The proposed vacation conforms to the general guidelines of the General Plan, which calls for improving the local economy, increasing the tax base, and generating public revenue. Baumberg Avenue will continue to serve as a public street accessible from fronting properties. The proposed vacation will make available a portion of the currently unused Baumberg Avenue right-of-way for use by the adjoining landowner, eliminate the need for the City to clean and maintain it, and return the area to the property tax roll.

ECONOMIC IMPACT

The proposed right-of-way vacation and its taxable use by fronting property owners would have some positive economic impact.

FISCAL IMPACT

The property owner has deposited funds with the City to compensate for City's costs related to the street right-of-way vacation. The deposited funds will be used to cover expenses related to the street right-of-way vacation. There will be no fiscal impact on the City's General Fund.

STRATEGIC INITIATIVES

The requested action supports the Complete Communities Strategic Initiative. The purpose of the Complete Communities initiative is to create and support structures, services, and amenities to provide inclusive and equitable access with the goal of becoming a thriving and promising place to live, work, and play for all. The requested street right-of-way vacation will maintain the public street use and un-encumber the land not needed for such use for business.

SUSTAINABILITY FEATURES

The action taken as per this report will allow better land use along Baumberg Avenue and reduce public resources for the needed clean-up and maintenance.

PUBLIC CONTACT

Notice of Public Hearing complying with the requirements of California Streets and Highways Code Section 8322 and 8323 were published in the Daily Review and posted on-site.

NEXT STEPS

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

Prepared by: Mo Sharma, Associate Civil Engineer
Dan S. Scott III, City Surveyor

Recommended by: Alex Ameri, Interim Director of Public Works

Approved by:



Kelly McAdoo, City Manager