

HAYWARD CITY COUNCIL

RESOLUTION NO. 21-_____

Introduced by Council Member _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD
SUMMARILY VACATING A PUBLIC SERVICE EASEMENT LOCATED ON
PARCEL NO. 083-0221-006-06

WHEREAS, parcel no. 083-0221-006-06 is a City-owned parcel located near the northeast corner at Mission Boulevard and Fairway Street, which contains an existing storm drain easement, as described in Exhibit A to this Resolution, attached hereto and incorporated herein; and

WHEREAS, the storm drain easement was conveyed to the City by the Oliver Rousseau Organization by deed in October 1958; and

WHEREAS, no storm drain facilities were ever constructed or are planned to be constructed within the easement; and

WHEREAS, the easement is excess to the City's needs; and

WHEREAS, the parcel does not have any other public facilities located within the easement; and

WHEREAS, Chapter 4, Article 2 of the Streets and Highways Code (section 8330 et seq.) provides for Summary Vacation of easements; and

WHEREAS, Streets and Highways Code section 8333 authorizes the legislative body of a local agency to summarily vacate a public service easement, such as a storm drain easement, if it has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation, or if the easement has been determined to be excess and there are no other public facilities located within the easement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that pursuant to California Streets and Highway Code Section 8333 it is hereby ordered that the storm drain easement as described in Exhibit A to this resolution, attached hereto and made a part hereof, is hereby summarily vacated.

BE IT FURTHER RESOLVED that 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, and from and after the date this resolution is recorded, the storm drain easement vacated herein shall no longer constitute a public service easement.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2021

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