



**DATE:** January 29, 2019

**TO:** Mayor and City Council

**FROM:** Interim Director of Public Works

**SUBJECT:** Resolution Declaring an Intention to Vacate Excess Right-of-Way Easement fronting 3138 Baumberg Avenue and Setting the Date and Time of the Public Hearing

### **RECOMMENDATION**

That the City Council adopts the Resolution of Intent (Attachment II) to vacate a portion of right-of-way at 3138 Baumberg Avenue, reserving easements for public utilities and the City's public service facilities and scheduling a public hearing on February 19, 2019.

### **SUMMARY**

New sidewalk and street improvements were recently completed at 3138 Baumberg Avenue. A portion of the existing street right-of-way, behind the new sidewalk, is not needed for public street purposes and has not been used as such in the past. 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 created 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, aligned with Arden Road to the west. Recently completed street improvements have left the ground behind the new sidewalk unimproved, which attracts illegal dumping that must be removed by City staff. The referenced area is also 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 Exhibits 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 with access 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 street vacation and its taxable use by the fronting property owner would have 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 any expenses related to the street right-of-way vacation; this action should have 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 purposes.

### **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 8300 will be published and posted on-site. The public hearing will be on the date and time specified in the City Council approved Resolution of Intent (tentatively February 19, 2019).

### **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:

A handwritten signature in black ink, appearing to read 'Kelly McAdoo', written in a cursive style.

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Kelly McAdoo, City Manager