



DATE: September 18, 2018
TO: Mayor and City Council
FROM: Interim Director of Public Works
SUBJECT Summary Vacation of a Storm Drain Easement located at 28168 Mission Boulevard

RECOMMENDATION

That the City Council adopts the attached resolution authorizing the City Manager to execute the summary vacation of a Storm Drain Easement located at 28168 Mission Boulevard.

SUMMARY

Legacy Partners intends to purchase and develop the parcel of land located at 28168 Mission Boulevard (APN 078C-0626-001-20). In the process of closing escrow, a final Preliminary Title Report revealed that the City has easement rights across the property being sold. Legacy Partners is requesting that the City vacate easement rights so that they may close escrow.

BACKGROUND

On August 15, 2018, Legacy Partners submitted a request to the City to vacate the storm drain easement located at 28168 Mission Boulevard. Thereafter, staff performed a site visit and confirmed no City facilities currently exist within the storm drain easement at that location.

The storm drain easement was granted to the City in December of 1965. Hooper & Company granted the City a perpetual easement and right of way for construction, reconstruction, maintenance, operation, and use of an open and/or covered storm sewer, drain, conduit, channel, canal, ditch or trench five feet in width over APN 078C-0626-001-20. City staff researched as-built record documents and have not been able to locate evidence of a storm sewer facility ever being constructed or installed within the easement.

The encumbrance to parcel APN 078C-0626-001-20 by the storm sewer easement granted to the City will conflict with Legacy Partner’s development plans, which include the construction of a mixed-use building consisting of ninety-seven residential units and 1,500 square feet of commercial space. As a result, Legacy Partners requested the City of Hayward vacate this easement.

DISCUSSION

Pursuant to Streets and Highways Code Section 8333(c), a public easement may be summarily vacated if the City Council determines it is excess and there are no other public facilities located within the easement or in use that would be affected by the vacation.

According to the preliminary title report issued by Fidelity National Title Company, Ronald F. Meints and Annie I. Meints, trustees under the Ronald F. Meints and Annie I. Meints Trust Agreement, are the underlying fee owner of the storm drain easement. Upon recordation of the resolution of vacation, the land within the storm drain easement will no longer be encumbered by the easement and no further action by the City will be required.

ECONOMIC IMPACT

There is no economic impact associated with this item.

FISCAL IMPACT

There is no fiscal impact associated with this item.

STRATEGIC INITIATIVES

This agenda item does not directly relate to the Council's Strategic Initiatives.

SUSTAINABILITY FEATURES

The action taken for this report will not result in physical development, purchase, service, or new policy/legislation.

PUBLIC CONTACT

This action qualifies as a summary vacation as defined under the California Streets and Highways Code Section 8333 (c) and therefore, a public hearing is not required per Streets and Highways Code Section 8335.

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: 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 'K. McAdoo', written in a cursive style.

Kelly McAdoo, City Manager