



**DATE:** February 17, 2026

**TO:** Mayor and City Council

**FROM:** Director of Public Works

**SUBJECT** Adopt a Resolution Reserving a Blanket Public Utility Easement and Storm Drain Easement Across the Entirety of the Vacated Right-of-Way of Valley Street East of 4th Street to C Street, as a Corrective Action to Resolution No. 23-085

## **RECOMMENDATION**

That the City Council considers this corrective action and adopts a resolution (Attachment II) reserving a blanket Public Utility Easement and Storm Drain Easement across the entirety of the Valley Street right-of-way previously vacated by City Council Resolution No. 23-085, east of 4th Street to C Street.

## **SUMMARY**

On April 11, 2023<sup>1</sup>, the City Council adopted Resolution No. 23-085 vacating the right-of-way of Valley Street east of 4th Street to C Street pursuant to California Streets and Highways Code Sections 8320 et seq. The vacation was recorded on May 1, 2023. The vacated area is approximately 117 feet long and approximately 3,500 square feet in area.

During the 2023 vacation process, staff outreach indicated that the right-of-way did not contain public utility facilities other than a street drain inlet and a short length of drainpipe. While the vacation action was properly processed and recorded, the City's resolution did not expressly reserve a blanket Public Utility Easement and Storm Drain Easement across the vacated area. As the City has continued work associated with property disposition, utility verification, and long-term infrastructure planning, staff and the City Surveyor identified that a blanket easement reservation should have been included to protect the City's current and future needs for public utilities and storm drainage facilities within or across the former right-of-way.

This item is a corrective action to reserve those easements across the entire vacated area. The corrective reservation is intended to clarify and protect municipal utility rights and does

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<sup>1</sup> [Resolution 23-085](#)

not re-open, reverse, or otherwise modify the underlying vacation beyond the easement reservation.

## **FISCAL IMPACT**

There is no immediate or direct fiscal impact associated with adoption of the corrective resolution. Staff time to prepare the corrective item is within existing appropriations. The City Clerk recording fee, if applicable, is anticipated to be minor and payable from existing operating budgets. Reserving blanket easements is expected to provide long-term fiscal benefit by preserving the City's ability to access and maintain municipal utilities and storm drainage facilities without incurring avoidable costs associated with redesign, relocation, or negotiated access rights in the future.

## **BACKGROUND**

Council initiated and completed a right-of-way vacation proceeding under Streets and Highways Code Section 8320 et seq. for the portion of Valley Street east of 4th Street to C Street. Notices of public hearing were posted and published in compliance with Streets and Highways Code Sections 8322 and 8323. Following the noticed public hearing on April 11, 2023, the City Council adopted Resolution No. 23-085 vacating the right-of-way. The City Clerk recorded the certified resolution with the Alameda County Recorder, and the vacation became effective upon recordation.

The original staff report and Resolution No. 23-085 contemplated that the vacated right-of-way could be offered for merger with adjacent parcels consistent with existing zoning and land use and noted the presence of a street drain inlet and a short length of drainpipe that would require attention or relocation as part of future actions.

As staff progressed with subsequent steps related to the vacated area, including coordination with the City Surveyor and review of existing and future public facility needs, staff identified that the 2023 action did not expressly reserve a blanket Public Utility Easement and Storm Drain Easement across the full vacated area. Reserving these easements is a standard municipal practice to preserve the City's ability to construct, access, operate, maintain, repair, and replace public facilities without being constrained by future private ownership configurations.

## **DISCUSSION**

The City's intent with this item is to reserve blanket easements across the entirety of the previously vacated Valley Street area to protect the public interest, including:

1. Existing and prospective public utilities. The City must preserve rights for existing and future public utilities that may be within, traverse, or reasonably need to be placed within the former right-of-way corridor, including but not limited to water, sanitary sewer, storm drainage, recycled water, electrical, communications/fiber, and appurtenant structures and access needs.

2. Storm drainage infrastructure and conveyance needs. The 2023 materials identified storm drainage features within the vicinity of the former right-of-way (street drain inlet and a short drainpipe). A blanket storm drain easement protects the City's long-term ability to maintain and, if needed, reconstruct/relocate storm drainage facilities serving the local drainage network.
3. Risk management for future potential disposition and mergers. Reserving blanket easements provides clarity to prospective buyers and adjacent owners and reduces ambiguity during negotiation, title review, and future lot merger processes. It also reduces the risk of future disputes regarding City access and maintenance rights. Staff is coordinating with the City Surveyor and City Attorney's Office to confirm the nature and extent of any City/County interest in the former right-of-way and the resulting ownership implications; any potential disposition actions are subject to those findings and Council direction.

This action is intended as a corrective clarification to the previously recorded vacation. The vacation of the right-of-way remains in effect as previously approved and recorded. The only change is that the City Council will expressly reserve the easement interests identified in the attached resolution across the entire vacated area.

The area across which the blanket easements are to be reserved is the same area vacated by Resolution No. 23-085, as depicted in Attachment III referenced by the resolution.

### **ECONOMIC IMPACT**

This corrective action is not expected to result in a direct economic impact such as job creation, changes to business activity, or changes to City services. The primary economic benefit is risk management: reserving a blanket Public Utility Easement and Storm Drain Easement reduces the potential for future disputes, delays, or unplanned costs associated with accessing, operating, and maintaining public infrastructure in the former right-of-way corridor. In addition, clarifying the City's retained easement rights can improve transactional certainty and reduce title and entitlement complexity for any future adjacent-owner lot merger or property disposition actions.

### **STRATEGIC ROADMAP**

This item supports the City's FY 2025 Strategic Roadmap by advancing the Strategic Priorities to Invest in Infrastructure—by preserving the City's ability to access, operate, maintain, repair, and replace public utility and storm drainage facilities within the former right-of-way corridor—and to Grow the Economy and Strengthen Organizational Health by improving clarity and reducing risk in the ongoing management and potential disposition of City property interests through a corrective, recorded easement reservation.

## **SUSTAINABILITY FEATURES**

This item is an administrative corrective action to reserve easement rights and does not, by itself, include construction or physical improvements. However, reserving blanket Public Utility and Storm Drain Easements supports long-term community resilience by preserving the City's ability to maintain and, if needed, improve storm drainage infrastructure and other utilities within the former right-of-way corridor, which can help reduce flooding risk and protect public infrastructure over time.

## **CEQA COMPLIANCE**

The proposed corrective action to reserve a blanket Public Utility Easement and Storm Drain Easement across the entirety of the previously vacated Valley Street right-of-way is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Class 1 (Existing Facilities), as it is an administrative action that preserves the City's rights to access, operate, maintain, repair, and replace existing public utility and storm drainage facilities and does not, by itself, authorize construction or any expansion of use. In addition, the action is exempt under CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption) because it can be seen with certainty that reserving easement rights will not result in a significant effect on the environment.

## **NEXT STEPS**

If approved by Council, staff will take the following actions to implement the corrective reservation of easements over the previously vacated Valley Street right-of-way:

- 1- Recordation: The City Clerk will record a certified copy of the corrective resolution with the Alameda County Recorder to memorialize the blanket Public Utility Easement and Storm Drain Easement reservation across the entirety of the vacation area.
- 2- Title and Mapping Updates: Staff will provide the recorded resolution and Attachment III to the City Surveyor for incorporation into the City's right-of-way/property records and for use in any future title, mapping, or lot line adjustment/merger actions.
- 3- Utility Coordination and Exhibit Refinement (as needed): Staff will continue coordination with applicable utility providers to confirm existing facilities and access needs within the former right-of-way corridor and, if warranted, prepare refined easement exhibit language for future transactions.

- 4- Proceed with Potential Disposition Discussions Consistent with Reserved Easements:  
Staff is coordinating with the City Surveyor and City Attorney's Office to confirm the nature and extent of any City/County interest in the former right-of-way and the resulting ownership implications; any potential disposition actions are subject to those findings and Council direction. Following recordation, staff may proceed with any future negotiations or conveyance documentation related to the former right-of-way, as applicable, with the understanding that the blanket Public Utility Easement and Storm Drain Easement will be reserved and remain in place over the affected area.

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*Reviewed by:* Dave Hung, Acting Deputy Director of Public Works

*Recommended by:* Alex Ameri, Director of Public Works

Approved by:



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Jennifer Ott, City Manager