

RECORDED AT REQUEST OF:
City of Richmond City Clerk

WHEN RECORDED MAIL TO:
City of Richmond
City Clerk's Office
450 Civic Center Plaza, Suite 300
Richmond, CA 94804

**NO RECORDING FEE PURSUANT TO
GOVERNMENT CODE SECTION 27383**



CONTRA COSTA Co Recorder Office
STEPHEN L. WEIR, Clerk-Recorder
DOC- 2010-0175240-00

Wednesday, AUG 25, 2010 10:07:02

FRE \$0.0011

Ttl Pd \$0.00

Nbr-0000567110

rrc/RS/1-6

DOCUMENT TITLE

Order of Vacation No. 903
*(Order vacating a portion of South 1st Street in the City of
Richmond, California)*

ORDER OF VACATION NO. 903

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND
ORDERING THE VACATION OF A PORTION OF SOUTH 1ST STREET
(PLN 10-004)**

WHEREAS, James Wright has submitted an application requesting that a portion of South 1st Street be vacated by the City of Richmond; and

WHEREAS, pursuant to Street and Highways Code Sections 8320 *et. seq.*, the City of Richmond desires to vacate the subject portion of South 1st Street, more particularly described in Exhibits A and B attached hereto and incorporated herein and hereafter referred to as the "area to be vacated," consisting of a legal description and map of the area; and

WHEREAS, the City Engineer has reported to this Council that the area to be vacated is surplus and is not necessary to the transportation needs of the City; and

WHEREAS, the City is authorized to vacate all or part of a public street or public service easement within the City pursuant to the Public Street, Highways and Service Vacation Easements law (State of California Streets and Highways Code, Section 8300 *et. seq.*); and

WHEREAS, Section 8340 (c) of the State of California Streets and Highways Code requires that unless public convenience and necessity require otherwise, the City must reserve and except from the vacation any easement and right necessary to maintain, operate, replace, remove and renew public utility facilities; and

WHEREAS, James Wright has agreed to provide the necessary easements for utilities; and

WHEREAS, on April 7, 2010, the City Clerk administratively set the public hearing for the City Council to consider the proposed vacation for May 4, 2010 pursuant to the Streets and Highways Code Section 8320; and

WHEREAS, notice of the hearing on the proposed street vacation as described on Exhibits A and B was duly published and posted as required by Streets and Highways Code Section 8322 and 8323; and,

WHEREAS, on May 4, 2010, the City Council opened and conducted the public hearing, allowing all interested parties an opportunity to speak.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RICHMOND DOES HEREBY RESOLVE AS FOLLOWS:

1. The City Council finds, based on all the evidence submitted, that the portion of South 1st Street described in the legal description and street vacation map attached hereto, as Exhibits A and B, is not necessary for present or prospective transportation needs and is hereby vacated subject to the following conditions:
 - a. An encroachment permit shall be obtained prior to any work commencing within the public right-of-way. All work within the public right-of-way shall be subject to review and approval by the City Engineer and the Planning and Building Services Director.
 - b. A 20-foot wide, all weather emergency vehicle access road and easement shall be reserved on a portion of the vacated right-of-way subject to review and approval by the City Engineer and Fire Marshal. If fencing is to be provided, a minimum 15 foot side gate with knox pad lock for emergency vehicle access shall be provided. In addition, street address signage for APN 550081025 (322 South 1st Street) shall be provided along Maine Avenue for emergency personnel.

- c. The following language shall be added to the legal description, "EXCEPTING AND RESERVING THEREFROM PURSUANT TO THE PROVISIONS OF SECTION 8340 of the Street and Highways Code and for the benefit of City of Richmond ("City"), the permanent easement and the right at any time or from time to time to construct maintain, operate, replace, remove, renew and enlarge lines of pipe, conduits, cable, wires, poles and other convenient structures, equipment and fixtures for the operation of sanitary sewer, including access and the right to keep the property free from inflammable materials and wood growth, and otherwise protect the same from all hazards, in, upon, over and across the area to be vacated", prior to recordation, unless otherwise approved by the City Engineer.
 - d. A frontage improvement plan detailing how the public and private street will be delineated shall be submitted for review and approval by City Engineer. Improvements shall be made prior to recordation of the street vacation.
 - e. Upon vacation of the portion of said street and transfer of ownership, the new property owners(s) shall have all properties adjoining the vacated right-of-way and granted to them, registered under a single parcel number at the Contra Costa County Recorder's office. All existing easements shall be carried forward on the new parcel map. A copy of said recordation shall be submitted to the Planning Director within one month of the recordation of the Resolution of Vacation.
 - f. Prior to the recordation of the Resolution of Vacation, the applicant shall submit the appropriate fee to the Engineering Department for review and approval of the public right of way abandonment.
 - g. Upon vacation of the portion of said street and transfer of ownership, the new owners shall be responsible for installation of drainage system(s) for street water to drain properly on Maine Avenue. This may be accomplished by installing curb and gutter along the Maine Avenue frontage. All improvements shall be constructed to City standards subject to review and approval by the City Engineer.
2. The City further reserves a minimum 20-foot wide access easement for the benefit of properties commonly described as Contra County Assessor's Parcel Numbers 550081025, 550083003 , and 550081028.
 3. The City Clerk is hereby directed to record this order declaring vacation of the subject portion of South 1st Street described in Exhibits A and B in the Office of the Contra Costa County Recorder only after conditions required by the City Council have been satisfied.

I certify that the foregoing order of vacation was passed and adopted by Richmond City Council at a regular meeting held on May 4, 2010, by the following vote:

AYES: Councilmembers Butt, Rogers, Vice Mayor Ritterman, Viramontes, and Mayor McLaughlin
NOES: None.
ABSTENTIONS: None.
ABSENT: Councilmembers Bates and Lopez.

DIANE HOLMES
Clerk of the City of Richmond

(SEAL)

Approved:

GAYLE MCLAUGHLIN
Mayor

Approved as to form:

RANDY RIDDLE
City Attorney

State of California }
County of Contra Costa } : ss.
City of Richmond }

I certify that the foregoing is a true copy of **Order of Vacation No. 903**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on May 4, 2010.

EXHIBIT A

LEGAL DESCRIPTION
S. 1ST STREET VACATION

REAL PROPERTY IN THE CITY OF RICHMOND, CONTRA COSTA COUNTY, CALIFORNIA, BEING A PORTION OF SOUTH FIRST STREET (FORMERLY RAIL ROAD AVENUE) AS SHOWN ON THE MAP OF SANTA FE TOWNSITE, RECORDED MARCH 17, 1900, IN BOOK E OF MAPS, PAGE 102, CONTRA COSTA COUNTY RECORDS, DESCRIBED AS FOLLOWS:

THAT PORTION OF SAID SOUTH FIRST STREET LYING SOUTH OF THE WESTERLY PROLONGATION OF THE NORTHERLY LINE OF BLOCK 3, AS SHOWN ON SAID MAP OF SANTA FE TOWNSITE, AND NORTH OF THE NORTHERLY LINE OF THE PARCEL DESCRIBED IN RESOLUTION OF VACATION NO. 897, RECORDED DECEMBER 12, 2007, SERIES NO. 2007-0336703, CONTRA COSTA COUNTY RECORDS.

RESERVING THEREFROM, PURSUANT TO THE PROVISIONS OF SECTION 8340 AND 8341 OF THE STREETS AND HIGHWAY CODE AND FOR THE BENEFIT OF PACIFIC BELL TELEPHONE COMPANY, DBA AT&T CALIFORNIA ("AT&T"), THE PERMANENT EASEMENT AND THE RIGHT AT ANY TIME, OR FROM TIME TO TIME, TO CONSTRUCT, MAINTAIN, OPERATE, REPLACE, REMOVE, AND RENEW AND ENLARGE LINES OF PIPES, CONDUITS, CABLE, WIRES, POLES AND OTHER CONVENIENT STRUCTURES, EQUIPMENT AND FIXTURES FOR THE OPERATION OF TELEGRAPHIC AND TELEPHONE LINES AND OTHER COMMUNICATION FACILITIES, INCLUDING ACCESS AND THE RIGHT TO KEEP THE PROPERTY FREE FROM FLAMMABLE MATERIALS AND WOOD GROWTH, AND OTHERWISE PROTECT THE SAME FROM ALL HAZARDS IN, UPON AND OVER AND ACROSS THAT PORTION OF THE SOUTH END OF SOUTH 1ST STREET OR PART THEREOF TO BE VACATED.

RESERVING THEREFROM, PURSUANT TO THE PROVISIONS OF SECTION 8340 AND 8341 OF THE STREETS AND HIGHWAY CODE AND FOR THE BENEFIT OF PACIFIC GAS & ELECTRIC ("PG&E"), THE PERMANENT EASEMENT AND THE RIGHT AT ANY TIME, OR FROM TIME TO TIME, TO CONSTRUCT, MAINTAIN, OPERATE, REPLACE, REMOVE, AND RENEW AND ENLARGE LINES OF PIPES, CONDUITS, CABLE, WIRES, POLES AND OTHER CONVENIENT STRUCTURES, EQUIPMENT AND FIXTURES FOR THE OPERATION OF GAS PIPELINES AND FOR THE TRANSPORTATION AND DISTRIBUTION OF ELECTRIC ENERGY, INCLUDING ACCESS TO PROTECT THESE WORKS FROM ALL HAZARDS IN, UPON AND OVER AND ACROSS THAT PORTION OF THE SOUTH END OF SOUTH 1ST STREET OR PART THEREOF TO BE VACATED.

RESERVING THEREFROM, PURSUANT TO THE PROVISIONS OF SECTION 8340 AND 8341 OF THE STREETS AND HIGHWAY CODE AND FOR THE BENEFIT OF THE EAST BAY MUNICIPAL UTILITY DISTRICT, THE PERMANENT EASEMENT AND THE RIGHT AT ANY TIME, OR FROM TIME TO TIME, TO CONSTRUCT, MAINTAIN, OPERATE, REPLACE, REMOVE, AND RENEW AND ENLARGE LINES OF PIPES, CONDUITS, CABLE, WIRES, POLES AND OTHER CONVENIENT STRUCTURES, EQUIPMENT AND FIXTURES FOR THE TRANSPORTATION AND DISTRIBUTION OF WATER, INCLUDING ACCESS TO PROTECT THESE WORKS FROM ALL HAZARDS IN, UPON AND OVER AND ACROSS THAT PORTION OF THE SOUTH END OF SOUTH 1ST STREET OR PART THEREOF TO BE VACATED.

BEARINGS ARE BASED ON CALTRANS RIGHT OF WAY RECORD MAP FOR ROUTE 580, CONTRA COSTA COUNTY, MAP NO. R-102.17. DISTANCES ARE GROUND LEVEL DISTANCES.

EXHIBIT B ATTACHED HERETO AND BY THIS REFERENCE IS MADE A PART OF THIS DESCRIPTION.

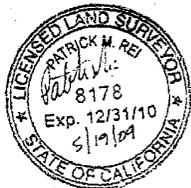
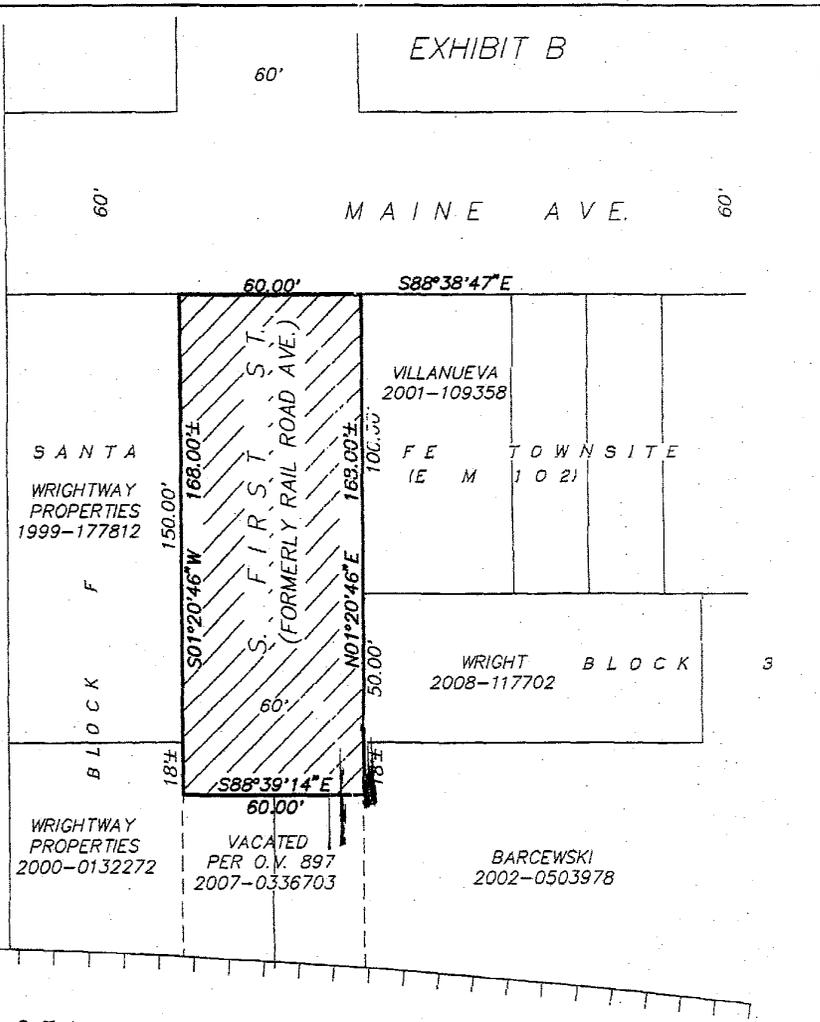


EXHIBIT B

SCALE: 1" = 40'



PARCEL B
161 PM 28



STATE OF CALIFORNIA



Patrick M. Rei
PATRICK M. REI, DATE 5/19/09
L.S. NO. 8178
REGISTRATION EXPIRES: 12/31/10

= AREA TO BE VACATED

REFERENCES:
KISTER, SAVIO & REI, INC. JOB NO. 17359-1
DWG. NO. A-6335

CITY OF RICHMOND
DEPARTMENT OF PUBLIC WORKS
DIVISION OF ENGINEERING

STREET VACATION
PORTION OF S. FIRST STREET
FORMERLY MAINE AVE.

No.	DATE	REVISIONS	APPRD.

DRAWN BY PMR	SUBMITTED:	DATE 5/19/2009
CHECKED BY	APPROVED:	DRAWING NUMBER
DIRECTOR OF PUBLIC WORKS R.C.E.		
SHEET OF SHEET		