

ORDER OF VACATION NO. 892

ORDER VACATING AND CLOSING A 1,500 SF PORTION OF AN UNNAMED ALLEY LOCATED BETWEEN 200 BISHOP AVENUE AND 180 BISHOP ALLEY IN THE CITY OF RICHMOND, CALIFORNIA

WHEREAS, the City Council of the City of Richmond did on the 6th day of December 2005, duly pass and adopt Resolution of Intention No. 892 N.S. stating their intention to order the vacation and closing to public use of a ±1,500 SF portion of an unnamed alley located between 180 Bishop Alley and 200 Bishop Avenue in the City of Richmond, County of Contra Costa, State of California, as shown on the map entitled “EXHIBIT “A” ALLEY VACATION” now on file in the City Clerk’s Office of the City of Richmond, particularly described in said Resolution of Intention No. 892 N.S. and more particularly described in the Legal Description attached hereto and made a part hereof; and

WHEREAS, a notice of the passage of said Resolution of Intention No. 892 N.S. and of the time and place of hearing all persons interested in or objecting to the proposed vacation of said portion of said street was duly and regularly given by the publishing of said Resolution of Intention No. 892 N.S. in the WEST COUNTY TIMES, in the manner prescribed by law, as appears from the affidavit of publication now on file in the office of the City Clerk of the City of Richmond and

WHEREAS, printed notices entitled “NOTICE OF VACATION” were duly and regularly posted as required by law, along the lines of said portion of said street to be vacated, at the time, in the form, manner and number, and in all respects as provided by law, as appears from the affidavit now on file in the office of the City Clerk of the City of Richmond; and

WHEREAS, not less than fifteen (15) days have elapsed since the date of passage of said Resolution of Intention No. 892 N.S. and

WHEREAS, Tuesday, the 10th day of January, 2006, at 7:00 p.m. of said day, in the Council Chambers of the Council of the City of Richmond, City Hall, Richmond, California, said time and place being the time and place fixed for hearing all persons interested in or objecting to the proposed vacation of said portion of said alley referred to in Resolution of Intention No. 892 N.S., the Council proceeded with said hearing and heard all of the evidence offered at said hearing; and

WHEREAS, the Council of the City of Richmond now finds from all of the evidence submitted that no portion of said alley to be vacated in these proceedings is a State highway and that, for the following reasons, said alley is not necessary for present or prospective public street purposes and should be vacated and closed to public use for the following reasons:

1. Access and provision of utility services to properties adjoining the subject right-of-way can be adequately served via an easement over private property as proposed.
2. The unimproved alley has been jointly maintained and landscaped by the adjoining property owners for a considerable period of time and it has not been maintained by the City. Vacating the alley will enable the efficient and appropriate development of the adjoining residential properties while maintaining access to public utilities. It will also relieve the City from future development and maintenance responsibilities (utilities will still be maintained by the applicable utility company/agency), as well as, other potential liabilities.

NOW, THEREFORE, IT IS HEREBY ORDERED that the portion of said alley referred to in Resolution of Intention No. 892 N.S. and herein particularly described is hereby vacated and closed.

IT IS FURTHER ORDERED that:

1. A public utility easement shall be reserved on the vacated right-of-way as follows: excepting and reserving therefrom, pursuant to the provisions of Section 8340 of the Street and Highway Code, the permanent easement and the right at any time or from time to time, to construct, maintain, operate, replace, remove, and renew sanitary sewers and storm drains and appurtenant structures in, upon, over and across the street or part thereof proposed to be vacated and, pursuant to any existing franchise and renewals thereof, or otherwise, to construct, maintain, operate, replace, remove, renew and enlarge lines of pipe, conduits, cables, wires, poles and other convenient structures, equipment, and fixtures for the operation of gas pipelines, telegraphic and telephone lines, and for the transportation or distribution of electric energy, petroleum and its products, ammonia, water, and for incidental purposes, including access to protect these works from all hazards in, upon, and over the street proposed to be vacated as shown in the attached vacation map.
2. Upon vacation of the alley way and transfer of ownership, the new property owners(s) shall have all properties adjoining the vacated right-of-way 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 issuance of the Order of Vacation.
3. Applicant shall have the existing sewer line, located within the proposed easement, cleaned and televised prior to the recordation of the street vacation. Applicant is responsible for any repairs to the pipe as determined by the City Engineer upon reviewing the tape.

4. No fences or permanent structures shall be installed or constructed on the subject property.

IT IS FURTHER ORDERED that the Clerk of the City of Richmond cause a certified copy of this Order, attested by said Clerk, under the seal of the City of Richmond, to be recorded in the office of the Recorder of the County of Contra Costa, State of California.

I certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond, California, at a regular meeting thereof held January 10, 2006, by the following vote:

AYES:	Councilmembers Bates, Butt, Griffin, Marquez, McLaughlin, Rogers, Thurmond, Viramontes, and Mayor Anderson
NOES:	None
ABSTENTIONS:	None
ABSENT:	None

DIANE HOLMES
Clerk of the City of Richmond

(SEAL)

Approved:

IRMA L. ANDERSON
Mayor

Approved as to form:

JOHN EASTMAN
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. 892, finally passed and adopted by the Council of the City of Richmond at a regular meeting held on January 10, 2006.