

**ORDER OF VACATION NO. 895**

**ORDER OF VACATION OF THE CITY COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA, ORDERING THE VACATION AND ABANDONMENT FOR PUBLIC PURPOSES A ± 6,600 SQUARE FOOT PORTION OF SOUTH 13<sup>TH</sup> STREET, LOCATED SOUTH OF WRIGHT AVENUE BETWEEN PARCELS APN 560-371-002 AND APN 560-372-001**

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WHEREAS, the City Council of the City of Richmond (hereinafter "City Council"), pursuant to Streets and Highways Code Sections 8300, *et seq.*, is authorized to vacate street right-of-ways; and

WHEREAS, the certain land known as a portion of South 13<sup>th</sup> Street (hereinafter "South 13<sup>th</sup> Street right-of-way"), more particularly described in the legal description in EXHIBIT A entitled, "Vacation of a Portion of South 13<sup>th</sup> Street," and map entitled, "Vacation of a portion of South 13<sup>th</sup> Street Herman's Addition to Point Richmond," attached hereto as EXHIBIT B and incorporated herein by this reference, is a dedicated street right-of-way that is partially improved and has become a public nuisance and a source of illegal dumping and abandonment of vehicles; and

WHEREAS, AT&T has stated that there are aboveground utilities in place and in use on the South 13<sup>th</sup> Street right-of-way which require the reservation of a public utility easement if the certain portion of South 13<sup>th</sup> Street is vacated, which easement is described in the legal description for the vacation of a portion of South 13<sup>th</sup> Street, attached hereto as EXHIBIT A and incorporated herein by this reference; and

WHEREAS, the proposed vacation of the South 13<sup>th</sup> Street right-of-way has been reviewed by appropriate City departments and the Technical Review Committee; and

WHEREAS, the adjacent property owners have consented to the vacation of the South 13<sup>th</sup> Street right-of-way; and

WHEREAS, on June 20, 2006, the City Council adopted Resolution of Intention No. 895 and set July 11, 2006 at 7:00 PM in the Council Chambers as the date, time, and place to hear all persons interested in or objecting to the vacation of the South 13<sup>th</sup> Street right-of-way; and

WHEREAS, Notices of Public Hearing to consider the vacation of the South 13<sup>th</sup> Street right-of-way were mailed to property owners within a 300 foot radius of the street to be vacated, a notice of public hearing was published in the WEST COUNTY TIMES, and at least three printed notices entitled "NOTICE OF VACATION" were duly and conspicuously posted along portions of the South 13<sup>th</sup> Street right-of-way to be vacated

at least two weeks prior to the City Council public hearing, pursuant to Sections 8322 and 8323 of the Streets and Highways Code; and

WHEREAS, not less than fifteen (15) days have elapsed since the date of passage of said Resolution of Intention No. 895; and

WHEREAS, on July 11, 2006, the City Council held a public hearing on the proposed vacation of the South 13<sup>th</sup> Street right-of-way and heard evidence and testimony from all persons interested; and

WHEREAS, the South 13<sup>th</sup> Street right-of-way proposed to be vacated in these proceedings is not a State highway; and

WHEREAS, the City Council finds that the public interest will be served by extinguishing the City's interest in the South 13<sup>th</sup> Street right-of-way, reserving and exempting from the vacation a public utility easement in a portion of the right-of-way vacated.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RICHMOND THAT:

1. The City Council finds and determines that:
  - a. The subject portion of said street is not necessary for present or prospective street purposes, and should be vacated and closed to public use since the existing street does not contain any underground public utilities or provide access to any surrounding properties, and has instead become a public nuisance and a source of illegal dumping and abandonment of vehicles; and,
  - b. The vacating of the subject portion of said street will serve a public purpose since it will enable the efficient and appropriate development of the adjoining industrial properties, and will relieve the City from future development and maintenance responsibilities of the site and other related liabilities.
2. The City Council hereby vacates and closes the South 13<sup>th</sup> Street right-of-way, as more particularly described in Exhibits A, pursuant to Street and Highways Code, Div. 9, part 3, Chapter 3, reserving and exempting therefrom a public utility easement in a portion of the right-of-way being vacated, as described in the legal description.
3. Commencing with the date this Order of Vacation is recorded, the South 13<sup>th</sup> Street right-of-way shall no longer be a public street easement.
4. The City Council hereby orders that:
  - a. All existing easements shall be carried forward on the new parcel map.
  - b. 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 Wright Avenue. This may be accomplished by installing a valley gutter or curb and gutter along the new southern boundary of Wright Avenue. An encroachment permit shall be obtained prior to any work completed within the public

right-of-way. All improvements shall be constructed to City standards subject to review and approval by the City Engineer.

- c. City reserves the right to come upon the property and remove the street sign(s) and pole(s) within sixty (60) days of recording of this Order.

IT IS FURTHER ORDERED that the Clerk of the City of Richmond cause a certified copy of this Order of vacation, 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.

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I certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond, California, at a meeting thereof held July 11, 2006, by the following vote:

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

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. 895, finally passed and adopted by the Council of the City of Richmond at a meeting held on July 11, 2006.