

RESOLUTION OF VACATION NO. 897

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND ORDERING
THE VACATION OF THE TERMINUS OF 1st STREET
(File No. ST 1103959)**

WHEREAS, James Wright has submitted an application requesting that the terminus of 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 terminus of 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 easements for utilities, emergency vehicle access and restricted pedestrian access; and

WHEREAS, on August 2, 2007, the Planning Commission found that the proposed street vacation satisfied the required findings for a street vacation as set forth by the State of California Streets and Highways Code, and voted unanimously to recommend approval to the City Council; and

WHEREAS, on August 20, 2007, the City Clerk administratively set the public hearing for the City Council to consider the proposed vacation for September 11, 2007 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 September 11, 2007, 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 terminus of 1st Street described in the legal description and plat 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. An emergency vehicle access easement shall be reserved on a portion of the vacated right-of-way subject to review and approval by the City Engineer.
 - 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 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, renew and enlarge lines of pipe, 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 inflammable materials and wood growth, and otherwise protect the same from all hazards, in, upon, over and across the terminus of 1st Street adjacent to Bridge Storage or parts thereof", prior to recordation, unless otherwise approved by AT&T.
2. The City Clerk is hereby directed to record this order declaring vacation of the terminus of 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 resolution was passed and adopted by the City Council of the City of Richmond, California, at a regular meeting thereof held September 11, 2007, by the following vote:

AYES: Councilmembers Bates, Butt, Lopez, Marquez, Rogers, Sandhu, Thurmond, Virmontes, and Mayor McLaughlin

NOES: None

ABSENT: None

ABSTAIN: None

DIANE HOLMES
City Clerk of the City of Richmond

[SEAL]

APPROVED:

GAYLE McLAUGHLIN
MAYOR

APPROVED AS TO FORM:

LOUISE RENNE, Interim
CITY ATTORNEY

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

I certify that the foregoing is a true copy of Resolution of Vacation No. 897, finally passed and adopted by the Council of the City of Richmond at a meeting held on September 11, 2007.