

RESOLUTION OF VACATION NO. 900

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND,
ORDERING THE VACATION OF JOY AVENUE BETWEEN FACTORY STREET
AND ESSEX AVENUE (File No. ST 1103412)**

WHEREAS, American Standard Properties has submitted an application requesting that a 40 foot wide by 170 foot in length 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 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 to be vacated; and

WHEREAS, the City Engineer has reported to this Council that the area to be vacated is surplus and is not necessary to meet 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 Easements Law (State of California Streets and Highways Code, Section 8300 et. seq.); and

WHEREAS, on November 1, 2007, the Planning Commission found that the proposed street vacation satisfies 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, the City Clerk administratively set the public hearing for the City Council to consider the proposed vacation for December 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 December 11, 2007, the City Council opened and conducted the public hearing allowing all interested parties an opportunity to speak.

NOW, THEREFORE BE IT RESOLVED THAT 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 street described in the legal description and 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. 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, including one for the overhead PG&E lines, 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.
 - b. 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 Street Vacation Map.
 - c. Prior to recordation, the legal description shall be revised to include the following language, "RESERVING therefrom pursuant to the provisions of Section 8340 of the Streets and Highways Code and for the benefit of Pacific Gas and Electric Company, the permanent easement and the right at any time and from time to time to construct, reconstruct, maintain, operate, replace, remove, repair, renew and enlarge lines of pipes, conduits, cables, wires, poles, electrical conductors, and other equipment, fixtures and appurtenances for the operation of electric, gas, and communication facilities, including access, and also the rights to trim and cut down trees and brush that may be a hazard to the facilities; said area shall be kept open and free of buildings, structures and wells of any kind."
2. The City Clerk is hereby directed to record this order declaring vacation of the subject alley 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 held on December 11, 2007, by the following vote:

AYES: Councilmembers Bates, Marquez, Rogers, Sandhu, Thurmond, Viramontes, and Mayor McLaughlin

NOES: None

ABSTENTIONS: None

ABSENT: Councilmembers Butt and Lopez

DIANE HOLMES
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. 900, finally passed and adopted by the Council of the City of Richmond at a meeting held on December 11, 2007.