



## STAFF REPORT

**Date:** Tuesday, August 11, 2015

**To:** Bryan H. Montgomery, City Manager

**From:** Kevin Rohani, Public Works Director/City Engineer

**Subject:** Vacation of Roadway Dedication, 12' wide alley west of Second Street, between Main Street and East Acme Street

Approved and Forwarded to City Council:

  
Bryan H. Montgomery, City Manager

### **Background and Analysis**

On August 6, 1906 "Map A of the Town of Oakley" was filed in Book C of Maps at Page 51, which may have dedicated certain street and alley right of ways within Contra Costa County. The recorded map is of such poor quality that it isn't possible to definitively determine the status of the dedications.

These dedications were then transitioned to the City of Oakley when the City incorporated in 1999.

On June 6, 1998, the Contra Costa County Board of Supervisors adopted resolution 98-324 which terminated the offer of dedication of the westerly 90' of the 12' wide alley between O'Hara Avenue and Second Street, and between Highway 4 (Main Street) and East Acme Street.

Since the City incorporated, the remaining 180' of the 12' alley has been an ongoing maintenance problem due to trash and debris being dumped and vehicles being abandoned in this location. This alley carries no public traffic.

This alley is between two private parcels that belong to the same owner and does not have any regular maintenance. It is typically used as a dumping ground and a public nuisance area. The best way to address this problem is the abandonment of this alley area which would then become a part of the adjoining properties, and the private owners could perform the regular clean-up and maintenance.

### **Fiscal Impact**

There is no fiscal impact associated with this action.

**Staff Recommendation**

Staff recommends that the City Council adopt the Resolution vacating the easterly 180' portion of the 12' alley between O'Hara Avenue and Second Street and between Main Street and East Acme Street.

**Attachments**

- 1) Resolution with
  - a. Exhibit A (legal description)
  - b. Exhibit B (plat map)

**WHEN RECORDED MAIL TO:**

City Clerk  
City of Oakley  
3231 Main Street  
Oakley, CA 94561

**RECORDING REQUESTED BY:**

City of Oakley  
3231 Main Street  
Oakley, CA 94561

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

**RESOLUTION NO. \_\_\_-15**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY  
VACATING EXCESS RIGHT-OF-WAY GENERALLY LOCATED IN THE  
VICINITY OF O'HARA AVENUE AND MAIN STREET, OAKLEY, CALIF.**

**WHEREAS**, a certain alleyway exists in the vicinity of O'Hara Avenue and Main Street in the City of Oakley; and

**WHEREAS**, it is uncertain whether an offer of dedication was ever made to Contra Costa County (the City's predecessor in interest) regarding this alley right-of-way, or whether the County ever accepted an offer of dedication; and

**WHEREAS**, it is possible that a public right-of-way exists in the subject area; and

**WHEREAS**, the right-of-way, described on the attached Exhibits, is not required for street or highway purposes, or to be a public right-of-way or public service easement; and

**WHEREAS**, this vacation is made pursuant to Chapter 1 of Part 2 of the Streets & Highways Code, commencing at Sec. 8300; and

**WHEREAS**, the City Council finds that the vacation will not have a significant effect on the environment and that it has been determined to be exempt from the requirements of CEQA pursuant to Article 5, Section 15061(b)(3) of the CEQA Guidelines; and

**WHEREAS**, the area to be vacated is described on Exhibit "A" attached hereto and depicted on the plat map, Exhibit "B" attached hereto;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Oakley as follows:

1. The area described herein is hereby vacated as a street, highway, alleyway or public service easement;
2. That the vacation shall be effective upon the recordation of this Resolution.

**PASSED AND ADOPTED** by the City Council of the City of Oakley, California, this 11<sup>th</sup> day of August 2015 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

\_\_\_\_\_  
Doug Hardcastle, Mayor

ATTEST:

\_\_\_\_\_  
Libby Vreonis, City Clerk

\_\_\_\_\_  
Date

**EXHIBIT A**  
Legal Description

**ALLEY VACATION**

All that certain real property situate in the City of Oakley, County of Contra Costa, State of California, described as follows:

Being a portion of the Alley in Block 1, as shown on the "Map A of the Town of Oakley," filed for record on August 6, 1906 in Book C of Maps at Page 51, Records of Contra Costa County, further described as follows:

BEGINNING at the northeasterly corner of Lot 7 of Block 1 of said Map (C Maps 51), said corner being also a point on the westerly line of Second Street, being 60.00 feet in width;

thence leaving said point and along the northerly line of said Lot 7 and Lots 8, 9 and 10 of Block 1 of said Map, West 180.00 feet to the northwesterly corner of said Lot 10;

thence leaving said corner, North 12.00 feet to the southwestly corner of Lot 3 of Block 1 of said Map;

thence leaving said corner and along the southerly line of said Lot 3 and Lots 4, 5 and 6 of Block 1 of said Map, East 180.00 feet to said westerly line of Second Street;

thence along said westerly line, South 12.00 feet to the point of BEGINNING.

Containing an area of 2,160 square feet, more or less.

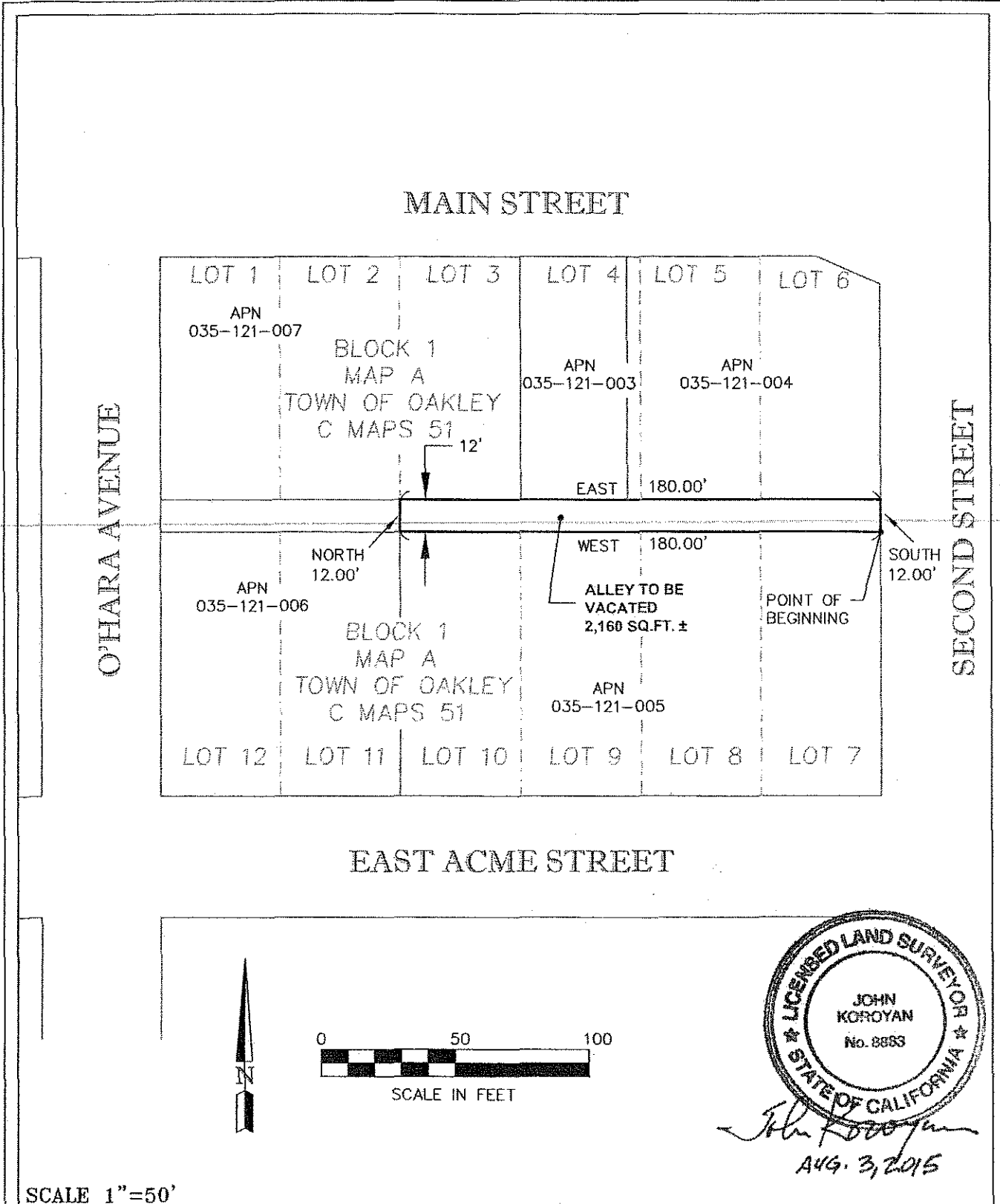
As shown on plat EXHIBIT B attached hereto and made a part hereof.

This real property description was prepared by me or under my direction, in conformance with the Professional Land Surveyors Act.

John Koroyan  
John Koroyan  
P.L.S. No. 8883

AUGUST 3, 2015  
Dated





SCALE 1"=50'

ALLEY VACATION  
EXHIBIT B

