



PORT OF OAKLAND

April 20, 1993

Ms. Ceda Floyd
City Clerk
City of Oakland
One City Hall Plaza
Oakland, CA 94612


Dear Ms. Floyd:

Attached is a copy of a certified resolution approved unanimously by the Board of Port Commissioners at their meeting on April 6, 1993.

The resolution deals with the request for the vacation of Diesel Street as described on the attached documents. The proposed vacation will allow for a site to be available for Alameda County to develop a Household Hazardous Waste Transfer Facility.

We appreciate your attention to this matter.

Sincerely,


Christopher C. Marshall
Secretary of the Board

CCM/slk

cc: City Manager
Director of Public Works
Mr. Philip Grubstick, Office of Public Works

157ccm

**BOARD OF PORT COMMISSIONERS
CITY OF OAKLAND**

RESOLUTION NO. 93139

**RESOLUTION FINDING AND DETERMINING
THAT IT IS NECESSARY TO VACATE
DIESEL STREET, OAKLAND, CALIFORNIA.**

WHEREAS, subject to the County's completion of all actions required under the California Environmental Quality Act ("CEQA"), this Board considers it to be necessary and in the best interest of the City of Oakland and of the Port to vacate Diesel Street in order to facilitate the proposed construction of the County Waste Facility; and

WHEREAS, Diesel Street is not necessary for present or prospective public street purposes; and

WHEREAS, the Board of Port Commissioners ("Board") on April 1, 1986, passed Resolution No. 24985 requesting that the City Council vacate Diesel Street in conjunction with the dedication of Embarcadero East, but subsequently the Port requested the City to delay action on the requested street vacation based upon a request from an adjacent property owner that vacation be deferred; and

WHEREAS, the County of Alameda has proposed to use property at the corner of East Seventh Street and Kennedy Street, including portions of Diesel Street, for a household hazardous waste transfer facility (hereinafter "the County Waste Facility"), and the Port is currently negotiating the sale of such property for use as such County Waste Facility; and

WHEREAS, the County of Alameda is the Lead Agency for the County Waste Facility under CEQA and as Lead Agency will prepare and certify necessary environmental documents under CEQA; and

WHEREAS, the County has expressed urgency in completing the County Waste Facility and, in order not to delay said completion it is necessary to advance the process for vacation of Diesel Street to the maximum extent possible; now, therefore, be it

RESOLVED, that this resolution shall supersede Resolution No. 24985; and be it

FURTHER RESOLVED, that the Secretary of this Board shall cause a certified copy of this resolution to be filed in the office of the City Clerk, with the request that the City Manager and Council initiate and carry to completion the proceedings necessary to effect said vacation; provided, however, that Council action should be conditioned upon the County's completion of its environmental assessment and the Council's review and consideration, as a Responsible Agency under CEQA, of the County's final environmental documents for the County Waste Facility; and be it

I certify that the foregoing is a full, true and correct copy of Resolution No. 93139 passed by the Board of Port Commissioners of the City of Oakland, California on April 6, 1993


Secretary

FURTHER RESOLVED, that this Board does hereby find and determine, in accordance with the provisions of Section 713 of the City Charter, that it is necessary to vacate Diesel Street; and be it

FURTHER RESOLVED, that this Board makes no commitment to selling the property for the proposed County Waste Facility or to issuing any permits, approvals or authorizations for the County Waste Facility, and will not approve such sale nor issue any such permit, approval or authorization unless and until the Board reviews and considers, as a Responsible Agency under CEQA, the County's final environmental documents for the County Waste Facility.

At a regular meeting held April 6, 1993

Passed by the following vote:

Ayes: Commissioners Broussard, Kramer, Loh, Ortiz
and President Lockhart - 5

Noes: None

Absent: Commissioner Furth and Ward Allen - 2

LEGAL DESCRIPTION

Diesel Street Vacation

ALL THAT REAL PROPERTY SITUATED IN THE CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, BEING ALL OF DIESEL STREET (60 FEET WIDE) NOW DEDICATED AS AND USED AS A PUBLIC STREET AND LYING WESTERLY OF THE WESTERLY LINE OF KENNEDY STREET (80 FEET WIDE) AS DESCRIBED AND CONVEYED TO THE CITY OF OAKLAND IN THE DOCUMENT ENTITLED OAKLAND CITY COUNCIL RESOLUTION NO. 5311 C.M.S., RECORDED JUNE 10, 1937, IN BOOK 3465 OF OFFICIAL RECORDS AT PAGE 345, ALAMEDA COUNTY RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTHERLY LINE OF THE 30 FEET WIDE RIGHT OF WAY EASEMENT DESCRIBED IN SAID CITY COUNCIL RESOLUTION NO. 5311 C.M.S. AS CONVEYED FROM THE UNION DIESEL ENGINE COMPANY TO THE CITY OF OAKLAND, WITH THE WESTERLY LINE OF SAID KENNEDY STREET; THENCE ALONG SAID SOUTHERLY LINE OF SAID 30 FEET WIDE EASEMENT, SOUTH $87^{\circ}42'13''$ WEST, 739.07 FEET TO A POINT ON THE AGREED LINE OF ORDINARY HIGH TIDE AS DESCRIBED IN SAID CITY COUNCIL RESOLUTION NO. 5311 C.M.S.; THENCE ALONG SAID LINE OF ORDINARY HIGH TIDE, NORTH $05^{\circ}03'29''$ WEST, 60.07 FEET TO THE NORTHERLY LINE OF THE 30 FEET WIDE RIGHT OF WAY EASEMENT DESCRIBED IN SAID CITY COUNCIL RESOLUTION NO. 5311 C.M.S. AS CONVEYED FROM THE E.K. WOOD LUMBER COMPANY TO THE CITY OF OAKLAND; THENCE ALONG SAID NORTHERLY LINE, NORTH $87^{\circ}42'13''$ EAST, 738.37 FEET TO THE WESTERLY LINE OF SAID KENNEDY STREET; THENCE ALONG SAID WESTERLY LINE, SOUTH $05^{\circ}43'32''$ EAST, 60.11 FEET TO THE POINT OF BEGINNING.

THE BEARINGS AND DISTANCES USED IN THIS DESCRIPTION WERE CALCULATED BY A GROUND SURVEY WHICH IS SHOWN ON PARCEL MAP NO. 5635 (UNRECORDED AS OF THIS DATE), PREPARED FOR THE PORT OF OAKLAND AND IS BASED UPON THE NORTH AMERICAN DATUM OF 1983, ZONE III. ALL DISTANCES ARE GRID DISTANCES. TO CONVERT TO GROUND DISTANCE, MULTIPLY GRID DISTANCE BY 1.0000708.

THIS DESCRIPTION WAS PREPARED BY OR UNDER THE SUPERVISION OF:


FORREST A. REED, P.L.S. 6207

DATE 4-2-93

