

ORDINANCE NO. 11641 C. M. S.

AN ORDINANCE FINDING AND DETERMINING THAT PORTIONS OF EMBARCADERO, MARKET STREET AND MARTIN LUTHER KING JR. WAY ARE UNNECESSARY FOR PRESENT OR PROSPECTIVE PUBLIC STREET PURPOSES AND ORDERING THE VACATION THEREOF

WHEREAS, the Council of the City of Oakland did, on the 14th day of September, 1993, pass its Resolution of Intention No. 70356 C.M.S., declaring its intention to order the vacation of portions of Embarcadero, Market Street and Martin Luther King Jr. Way, said streets proposed to be vacated being more particularly described as follows:

(1) Embarcadero between Market and Linden Streets

All that certain parcel of land situated in the Port of Oakland, City of Oakland, County of Alameda, State of California, being more particularly described as follows:

COMMENCING at the northwest corner of the property described in the Grant Deed to the City of Oakland recorded May 19, 1978 on Reel 5399 at Image 527 (Series No. 78-093600), Alameda County Records; thence along the northeasterly extension of that certain course having a described distance of 634.45 feet along the westerly line of said City of Oakland property, N 17° 06' 26" E, 14.00 feet to the intersection of said line with the southerly line of Embarcadero (100' wide) being the POINT OF BEGINNING:

Thence, along said southerly line, N 72° 53' 44" W, 60.16 feet; thence, along a curve to the right with a tangent bearing of S 87° 33' 47" E, having a radius of 520.00 feet through a central angle of 14 40' 40", an arc length of 133.21 feet; thence, S 72° 53' 07" E, 563.06 feet; thence, along a tangent curve to the right having a radius of 1,020.00 feet through a central angle of 06° 27' 48", and arc length 115.06 feet; thence, S 66° 25' 19" E, 91.70 feet to the said southerly line of Embarcadero; thence, along said southerly line N 72° 53' 44" W, 840.59 feet to the POINT OF BEGINNING.

The description above is based on the California Coordinate System of 1983, Zone III. To obtain ground distance multiply the above distance by 1.0000703.

Containing an area of 13.154 square feet, more or less, at ground level.

(2) Embarcadero between Martin Luther King Jr. Way and Brush Street

All that certain parcel of land situated in the Port of Oakland, City of Oakland, County of Alameda, State of California, being more particularly described as follows:

COMMENCING at the intersection of the southerly line of Embarcadero with the easterly line of Market Street; thence S $62^{\circ} 35' 23''$ E, 74.37 feet to the POINT OF BEGINNING;

Thence, S $70^{\circ} 50' 42''$ E, 77.46 feet; thence, along a tangent curve to the right, having a radius of 2,020.00 feet, through a central angle of $1^{\circ} 51' 52''$, an arc length of 65.73 feet; thence, S $21^{\circ} 01' 10''$ W, 4.00 feet; thence, from a radial bearing of S $21^{\circ} 01' 10''$ W, along a curve to the right, having a radius of 2,016.00 feet, through a central angle of $6^{\circ} 23' 27''$, an arc length of 224.87 feet; thence, S $62^{\circ} 35' 23''$ E, 374.80 feet; thence, from a radial bearing of N $15^{\circ} 19' 56''$ E, along a curve to the left, having a radius 180.00 feet, through a central angle of $7^{\circ} 22' 10''$, an arc length of 23.15 feet; thence, along a compound curve to the left, having a radius of 54.00 feet, through a central angle of $20^{\circ} 49' 12''$, an arc length of 19.62 feet; thence S $62^{\circ} 35' 23''$ E, 76.71 feet; thence, S $27^{\circ} 24' 37''$ W, 44.05 feet, to the intersection of the southerly line of Embarcadero with the easterly line of Martin Luther King Jr. Way; thence, along the southerly line of Embarcadero, N $62^{\circ} 35' 23''$ W, 857.40 feet, to the POINT OF BEGINNING.

The description above is based on the California Coordinate System of 1983, Zone III. To obtain ground distance multiply the above distance by 1.0000703.

Containing an area of 0.5060 acres, more or less, at ground level.

(3) Market Street southerly of Embarcadero

Real property in the Port of Oakland, City of Oakland, Alameda County, California described as:

All that portion of Market Street (80 foot wide), now dedicated as and used as a public street and lying southerly of the southerly line of Embarcadero (100 foot wide).

(4) Martin Luther King Jr. Way southerly of Embarcadero

Real property in the Port of Oakland, City of Oakland, Alameda County, California described as:

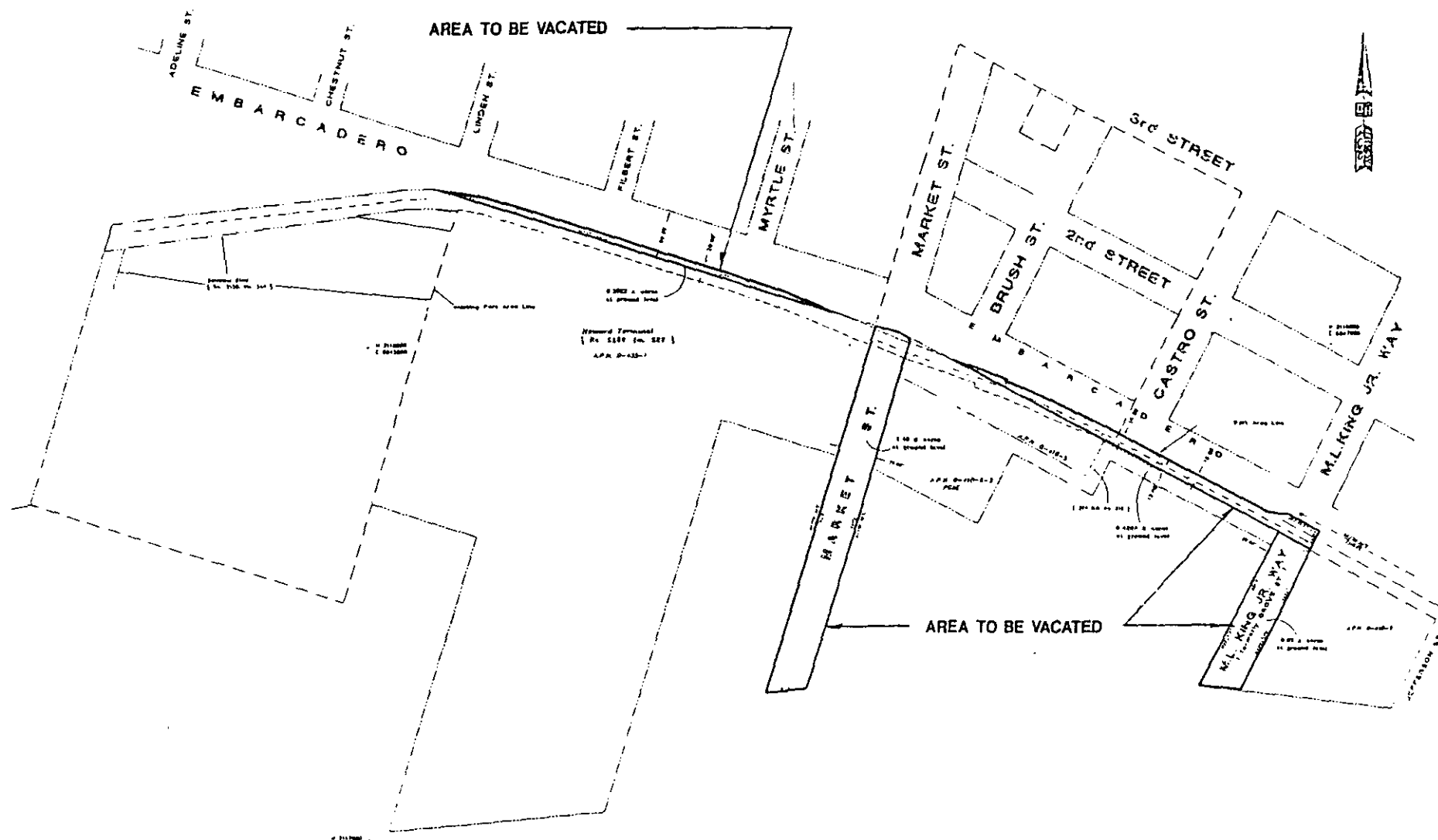
All that portion of Martin Luther King Jr. Way (80.5 foot wide), now dedicated as and used as a public street and lying southerly of the southerly line of Embarcadero (99 foot wide).

SUBJECT, HOWEVER, to the reservation and exception from the vacation, pursuant to the provisions of Section 8330 and 8331 of the Streets and Highways Code of the State of California, of the permanent easements and rights at any time, or from time to time, to construct, maintain, operate, replace, remove, renew and enlarge sanitary sewers and storm drains, and appurtenant structures in, upon, over, and across the portions of Embarcadero, Market Street and Martin Luther King Jr. Way proposed to be vacated, and pursuant to any existing franchises or renewals thereof, or otherwise, to construct, maintain, operate, replace, renew, and enlarge lines of pipe, conduit, cables, wires, poles, and other convenient structures, equipment, and fixtures, for the operation of gas pipe lines, telegraph and telephone lines, and for the transportation or distribution of electric energy, and water, and for incidental purposes, including convenient access and the right to keep the easement property free of buildings, and other structures, and inflammable materials, and wood growth, and otherwise protect the same from all hazards in, upon, over, and across said portions of Embarcadero, Market Street and Martin Luther King Jr. Way proposed to be vacated; and

WHEREAS, said Resolution was duly published and notice thereof and of the time and place of hearing thereon was duly posted in accordance with the requirements of Part 3, of Division 9, of the Streets and Highways Code of the State of California; and

WHEREAS, this Council has, at the time of said hearing, heard and considered all the evidence, both oral and written, offered by all persons interested in or objecting to the vacation of said above described portions of Embarcadero, Market Street and Martin Luther King Jr. Way; and

WHEREAS, the vacation of the hereinabove described portions of Embarcadero, Market Street and Martin Luther King Jr. Way has been found to be in compliance with the requirements of the California Environmental Quality Act (CEQA). The vacation of these portions of Embarcadero was included in the "Environmental Reevaluation I-880/Cypress Replacement Project", an amendment to the original Environmental Impact Report (EIR) for the Cypress Replacement Project, which was prepared for the construction of a haul road along portions of Embarcadero. Construction of the haul road was found not to have any new significant impacts on the environment. The vacation of these portions of Market Street and Martin Luther King Jr. Way was reviewed by City Planning and has



MAP OF THE PROPOSED VACATION OF PORTIONS OF
EMBARCADERO, MARKET STREET AND MARTIN LUTHER
KING JR. WAY

(NO SCALE)

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been found to be categorically exempt under Section 15301 of CEQA;
now, therefore,

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

- SECTION 1. That this Council finds and determines from all the evidence submitted that said portions of Embarcadero, Market Street and Martin Luther King Jr. Way, as described in said Resolution of Intention No. 70356 C.M.S., and hereinabove described, are unnecessary for present or prospective public street purposes.
- SECTION 2. That this Council hereby orders the vacation of the hereinabove described portions of Embarcadero, Market Street and Martin Luther King Jr. Way, subject however, to the reservation and exception of the easements and rights hereinabove set forth.
- SECTION 3. That this Council finds and determines that this action complies with the requirements of the California Environmental Quality Act.
- SECTION 4. The City Clerk and Clerk of this Council is hereby directed to have a certified copy of this ordinance recorded in the Office of the Recorder of Alameda County, California, immediately upon its final passage.

OCT 19 1993

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 19____

PASSED BY THE FOLLOWING VOTE:

AYES- BAYTON, DE LA FUENTE, JORDAN, MILEY, ~~MOORE~~, OGAWA, SPEES, WOODS-JONES and

PRESIDENT HARRIS

NOES- NONE

ABSENT- MOORE, - 1

ABSTENTION- NONE

ATTEST:


CEDA FLOYD

City Clerk and Clerk of the Council
of the City of Oakland, California

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