

CITY OF ALAMEDA RESOLUTION NO. _____

SUMMARILY VACATING A PUBLIC UTILITY EASEMENT, POWER
EASEMENT, PATHWAY EASEMENT, AND STREETLIGHT
EASEMENT AT 1051 HARBOR BAY PARKWAY

WHEREAS, on October 26, 2020, the Planning Board of the City of Alameda adopted Resolution PB-20-23, approving final Development Plan and Design Review application PLN17-0600 for the construction of a 133,611 square-foot, five-story hotel with 236 guest rooms located at 1051 Harbor Bay Parkway; and

WHEREAS, Harbor Bay Isle Associates granted the City of Alameda a Pathway Easement and Streetlight Easement with Parcel Map No. 3940 filed on December 29, 1982, in Book 137 of Parcel Maps, at Pages 34-36, Alameda County Records; and Public Utility Easement and Power Easement with Parcel Map No. 4013 filed on April 12, 1983, in Book 138 of Parcel Maps, at Pages 5-6, Alameda County Records, all together herein known as "Easements"; and

WHEREAS, the proposed building location conflicts with the existing Easements and vacation of Easements are necessary to facilitate the hotel development; and

WHEREAS, the California Streets and Highways Code Section 8333 authorizes the City Council to summarily vacate a public service easement that has been superseded by relocation or determined to be excess by the easement holder, and there are no other public facilities located within the easement; and

WHEREAS, the California Streets and Highways Code Section 8313 requires that, if the proposed vacation of a street or public service easement is within an area for which a general plan is adopted, the City Council must consider the General Plan prior to vacating the easement; and

WHEREAS, the California Streets and Highways Code Section 8313 further requires that Government Code Section 65402, which states that the Planning Commission shall report as to conformity with the General Plan, shall be followed if that section applies to the proposed vacation; and

WHEREAS, the California Streets and Highways Code Section 8313 is not applicable in this situation because the proposed vacation of the public service easement does not qualify as the disposition of real property.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Alameda finds that:

1. The Public Utility Easement, Power Easement, Pathway Easement, and Streetlight Easement have either been relocated or found to be no longer required by the easement holder.

2. The vacation of the Public Utility Easement, Power Easement, Pathway Easement, and Streetlight Easement are in conformance with the City's General Plan pursuant to Streets and Highways Code Section 8313.
3. The proposed vacation of the Public Utility Easement, Power Easement, Pathway Easement, and Streetlight Easement are categorically exempt from review under the California Environmental Quality Act (CEQA) pursuant to Title 14 California Code of Regulations, CEQA Guidelines Section 15301, Existing Facilities.
4. From and after the date the resolution is recorded, the Public Utility Easement, Power Easement, Pathway Easement, and Streetlight Easement as described in Exhibit A and shown in Exhibit B are vacated and shall no longer constitute a public service easement; and

BE IT FURTHER RESOLVED that based on the findings made and the above provisions of the Streets and Highways Code, the City Council hereby order the summary vacation of the Easements located at 1051 Harbor Bay Parkway, as shown on Exhibits A and B; and

BE IT FURTHER RESOLVED that the City Manager or designee is hereby authorized to take any and all further actions to effectuate the vacation and quitclaim of the Easements, including the execution of a Quitclaim Deed, if necessary; and

BE IT FURTHER RESOLVED that the Clerk of this City Council is hereby directed to transmit a certified copy of this resolution to be recorded in the office of the County Recorder of Alameda.

EXHIBIT "A"
LEGAL DESCRIPTION

The land described herein is situated in the State of California, County of Alameda, City of Alameda, and is described as follows:

All of the area designated as 5' foot Pathway Easement and 12' foot Streetlight Easement as depicted upon Parcel Map No 3940 filed on December 29th, 1982, in Book 137 of Parcel Maps, at Pages 34, 35 and 36, Alameda County Records.

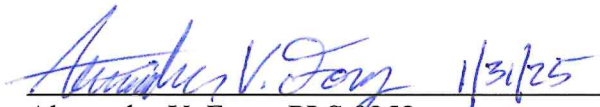
A portion of the areas designated as Power Easement (P.E.) and Public Utility Easement (P.U.E) lying within Parcels 5 and 6 of Parcel Map No 4013 filed on April 12th, 1983, in Book 138 of Parcel Maps, at Pages 5 and 6, Alameda County Records.

Excepting therefrom all of that 20-foot portion lying westerly and parallel with the east line of Parcel 4, having a bearing and distance of North 41°57'51" West, 28.68 feet and North 17°37'47" West, 315.54 feet as shown on said map. The sidelines of said 20-foot portion to be extended or shortened to terminate at the north right-of-way line of Harbor Bay Parkway.

Excepting therefrom all of Parcels 100-1-1B and 100-1-2B as described in Grant of Permanent Easements recorded November 25, 2003, as Recorders Series No. 2003-694299 and all of Parcels 103-2 and 103-3 as described in Grant of Permanent Easements recorded November 25, 2003, as Recorders Series No. 2003-694300, Alameda County Records.

A plat, entitled Exhibit B, is attached hereto and by this reference made a part thereof.

Prepared by or under the supervision of:

 1/31/25
Alexander V. Fong, PLS 9252



LEGEND

POWER EASEMENT (P.E.)

PUBLIC UTILITY EASEMENT (P.U.E.)

STREETLIGHT EASEMENT

PATHWAY EASEMENT

PROJECT BOUNDARY

QUITCLAIM EASEMENTS
(FACILITIES RELOCATED)

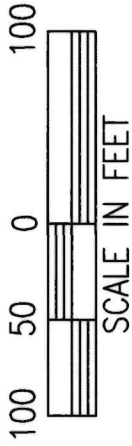
1. P.E. & P.U.E. (138 M 5)

2. 5' PATHWAY (137 M 34)

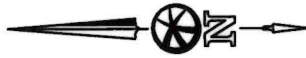
3. 12' STREETLIGHT (137 M 34)

NOTE

5' PATHWAY (PARCELS 100-1-1B & 103-2) AND
12' STREETLIGHT (PARCELS 100-1-2B & 103-3)
EASEMENTS PER 2003-694299 AND 2003-694300
TO REMAIN.



SCALE IN FEET



1/31/25

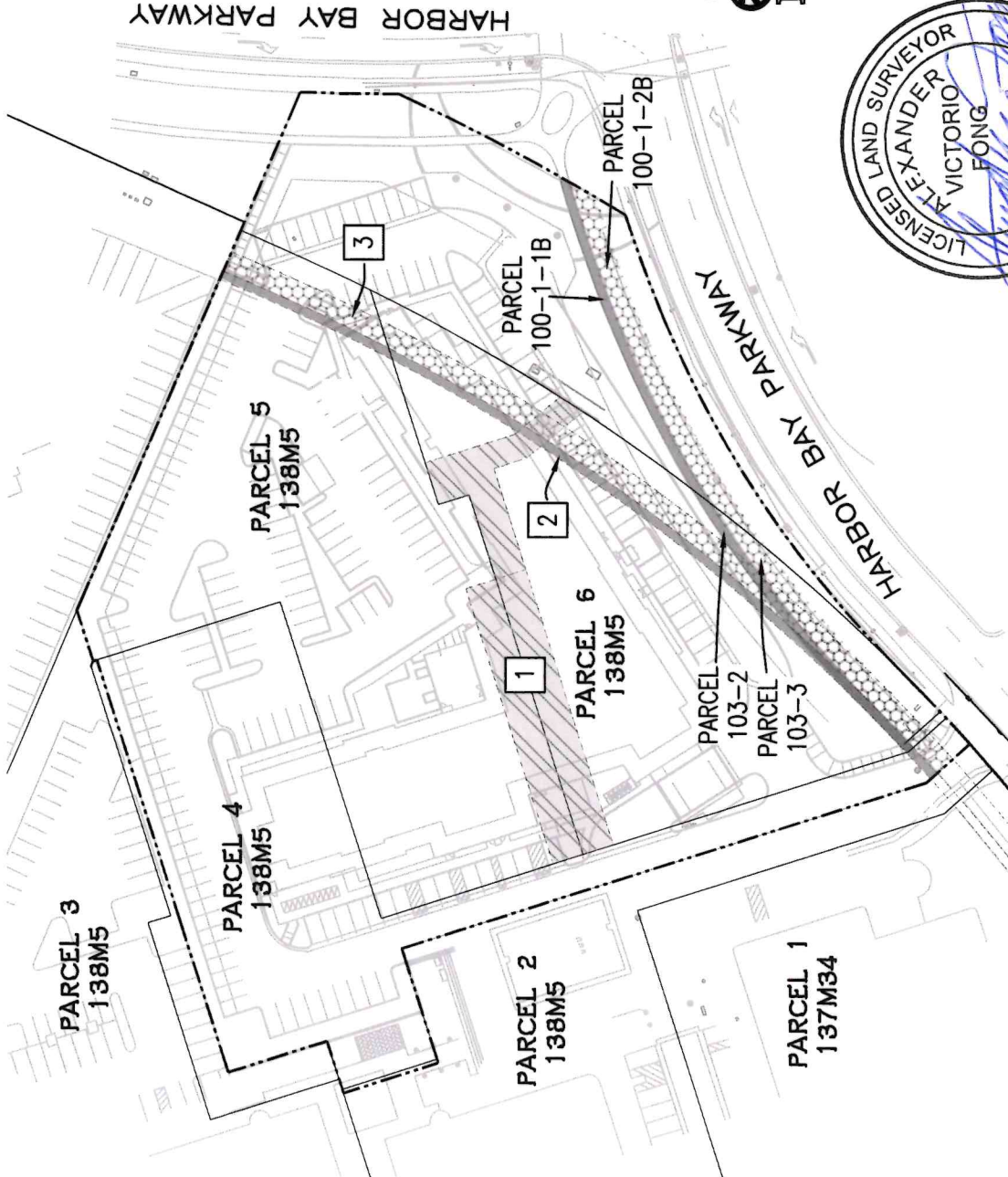


EXHIBIT B

EXISTING EASEMENTS
BEING QUITCLAIMED

DATE: 01/31/2025	SCALE: 1" = 100'
FILE NO.: 21076	SHEET 1 OF 1

* * * * *

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the 15th day of July 2025, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the seal of said City this 16th day of July 2025.

Lara Weisiger, City Clerk
City of Alameda

Approved as to form:

Yibin Shen, City Attorney
City of Alameda