



CITY OF MARTINEZ

CITY COUNCIL AGENDA June 24, 2009

TO: Mayor and City Council

FROM: Tim Tucker, City Engineer

SUBJECT: Vacating a portion of an unimproved right-of-way formerly a portion of Muir Road.

DATE: June 11, 2009

RECOMMENDATION:

Adopt resolution providing for a summary vacation of portion of the former Muir Road right-of-way.

BACKGROUND:

Prior to construction of Highway 4, Muir Road was a main east – west connector through the Martinez area. With the construction of Highway 4, portions of Muir Road were realigned as a freeway frontage road along the southerly side of Highway 4. Arnold Drive was constructed as the frontage road along the northerly side of Highway 4.

The portion of right-of-way proposed to be vacated is an unused remnant area of the Muir Road right-of-way between Arnold Drive and Highway 4. This remnant right-of way is adjacent to the recently approved Francis retail office project owned by Dr. Stephen Francis.

On March 27, 2007 the Planning Commission approved the Francis retail office project located on 1124 Arnold Drive. The developer submitted plans to construct the project and has dedicated, at no cost to the City, the necessary right of way for widening Arnold Drive. The developer also requested that the City vacate this unused portion of the right-of-way as described in the attached Exhibit “A” and shown in Exhibit “B”. If the City vacates this right-of-way and quit claims the property to Dr. Francis, the property could be used to enlarge the western end of the proposed project parking lot.

As required by Chapter 4 “Summary Vacation”, Article 1, Section 8330 of the California Streets and Highway Code, the right of way to be vacated has not been used by vehicles for the last five years, and no public money was expended for street maintenance during this period. A public utility easement will be reserved over the entire area to be vacated.

On February 24, 2009 the Planning Commission found that the vacation is consistent with the City's General Plan. This right of way can not be sold by the City. Had the City owned the property in fee, collecting a fair market or negotiated fee would be appropriate. If approved, the City Manager will execute a "Quit Claim" deed.

FISCAL IMPACT:

None.

ACTION:

Adopt resolution approving the summary vacation of a portion of the former Muir Road right-of-way and authorizing the City manager to execute a quit claim deed.

Attachments:

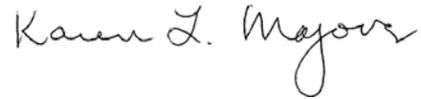
- Legal Description
- Plat Map
- Vicinity Map

APPROVED BY:



City Manager

APPROVED BY:



Assistant City Manager
Community & Economic Development

RESOLUTION NO. -09

APPROVING THE SUMMARY VACATION OF A PORTION OF
THE FORMER MUIR ROAD RIGHT-OF-WAY AND AUTHORIZING THE
CITY MANAGER TO EXECUTE A QUIT CLAIM DEED

WHEREAS, the City of Martinez has received a request to abandon and vacate a portion of the unimproved portion of the former Muir Road as described in the attached as Exhibit "A" and shown in Exhibit "B"; and

WHEREAS, the proposed right of way area to be vacated is a remnant parcel resulting from the construction of Highway 4 and is excess right-of-way, not needed for street purposes, bikeway, or a pedestrian path; and

WHEREAS, for a period exceeding five consecutive years the portion of right-of-way has not been used by vehicular travel, and no public money has been expended for maintenance; and

WHEREAS, all existing easements within said right of way will be reserved; and

WHEREAS, the public necessity and convenience require the City to reserve and except from said vacation a public utility easement over the entire area to be vacated; and

WHEREAS the vacation is made under Chapter 4, Article 1 of the Streets and Highway Code Section 8330 et seq; and

WHEREAS, On February 24, 2009 the Planning Commission of the City of Martinez has found the proposed vacation to be consistent with the General Plan; and

WHEREAS, the portion of Muir Road right-of-way proposed to be vacated is more specifically described in Exhibit "A" and delineated in Exhibit "B", attached herein.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Martinez in accordance with Chapter 4, Article 1 of the streets and Highway Code Section 8330 et seq; hereby vacates the portion of the former Muir Road described above, but reserving and excepting therefrom, for the benefit of and to the City of Martinez, all existing easements within said right of way along with a public utility easement over the entire area being vacated; and

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to execute a quit claim deed to the adjoining property owner reserving a public utility easement over the entire remnant parcel.

* * * * *

I HEREBY CERTIFY that the foregoing is a true and correct copy of a resolution duly adopted by the City Council of the City of

Martinez at a Regular Meeting of said Council held on the 24th day of June, 2009 by the following vote:

AYES:

NOES:

ABSENT:

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ

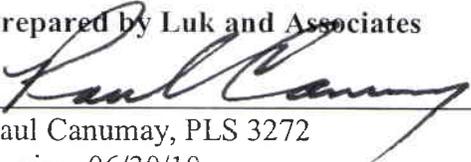
EXHIBIT "A"
RIGHT OF WAY DEDICATION

All that real property situate in the City of Martinez, County of Contra Costa, State of California, being those portions of PARCELS "A" and "B" as shown on that certain Parcel Map filed April 23, 1971 in Book 16 of Parcel Map, at Page 23, in the Office of the County Recorder of Contra Costa County, more particularly described as follows:

BEGINNING at the Southeasterly corner of PARCEL 1B as described in that certain Final Order of Condemnation No. 130069, recorded June 12, 1973, in Volume 6968, at Page 857, Official Records of Contra Costa County; thence along the Easterly line of said PARCEL "B", South $00^{\circ}17'27''$ East, 4.24 feet; thence from a tangent that bears South $89^{\circ}40'11''$ West, along a curve to the right with a radius of 2030.00 feet, through a central angle of $07^{\circ}05'07''$, an arc length of 251.03 feet to the Northerly line of said PARCEL "A"; thence along last said line, North $89^{\circ}45'15''$ East, 34.79 feet to the most Westerly corner of said PARCEL 1B; thence along the general Southerly line of said PARCEL 1B, from a tangent that bears South $84^{\circ}18'18''$ East, along a curve to the left with a radius of 2030.00 feet, through a central angle of $06^{\circ}00'31''$, an arc length of 212.89 feet and North $89^{\circ}41'11''$ East, 3.11 feet to the POINT OF BEGINNING.

CONTAINING 955 square feet, more or less.

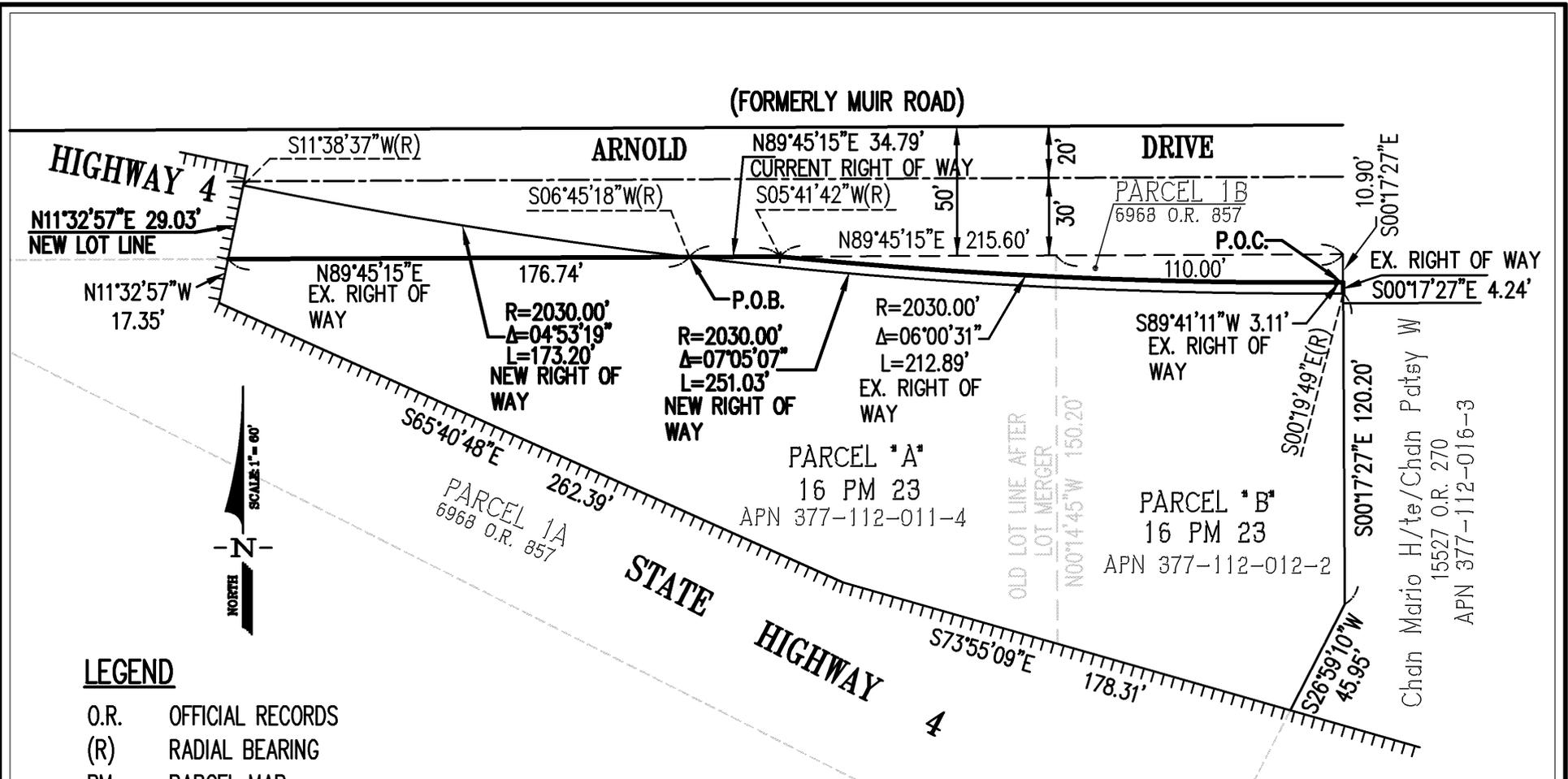
Prepared by Luk and Associates


Paul Canumay, PLS 3272
Expires 06/30/10

Date: 5-20-08



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



PAUL CANUMAY
PLS 3272, EXP. 6/30/2010

EXHIBIT "B"

RIGHT OF WAY VACATION

A PORTION OF ARNOLD DRIVE
(FORMERLY MUIR ROAD)
CITY OF MARTINEZ, CONTRA COSTA COUNTY, CALIFORNIA

Prepared By
Luk and Associates
Civil Engineers – Land Planners – Land Surveyors
738 Alfred Noble Drive
Hercules, California 94547

MAY 17, 2008 SCALE: 1"=60'