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**RESOLUTION NO. 2016-74**

**A RESOLUTION OF THE ALBANY CITY COUNCIL AUTHORIZING  
THE VACATION OF AN EXCESS EASEMENT ON A PARCEL AT  
914 CORNELL AVENUE**

**WHEREAS**, on October 3, 1989, an agreement was filed with the Alameda County Recorder (Recording No. 89-272224, of Official Records) authorizing the creation of an easement for purposes of access and egress for compliance with the requirements of the City of Albany; and

**WHEREAS**, the City Council intends to summarily vacate all interests granted under the easement located in real property situated in the City of Albany, County of Alameda, State of California, more particularly described as:

Lots 84 & 85, Block 3, Map of Mo. 4 Regents Park. Filed August 27th, 1906. Map Beck 21, Page 51. Alameda County. Records. It is further understood and agreed that the "Easement" shall consist of the rear 50-feet of the South-West Corner (rear) of the parcels mentioned hereinabove, for purposes of Ingress and Egress.

**WHEREAS**, subdivision (a) of Section 8333 of the Streets and Highways Code of the State of California authorizes the City Council to summarily vacate a public utility easement if the easement has not been used for the purpose for which it was dedicated or acquired for five (5) consecutive years immediately preceding the proposed vacation.

**NOW, THEREFORE, BE IT RESOLVED**, that the Albany City Council hereby makes the following findings:

1. The Easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation; and

1           2.       No public facilities are located within the Easement that would be affected  
2 by a summary vacation; and

3           3.       The Easement is not needed for present or prospective easement purposes;  
4 and

5           4.       The public convenience and necessity does not require reservation of any  
6 portion of the Easement.

7

8           **BE IT FURTHER RESOLVED**, based upon the findings made in this Resolution  
9 and the provisions of Section 8333 of the Streets and Highways Code, the City Manager  
10 and City Clerk are hereby authorized to record the certified resolution and execute  
11 associated documentation to vacate the Easement.

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PETER MAASS, MAYOR



# City of Albany

1000 San Pablo Avenue • Albany, California 94706  
(510) 528-5710 • www.albanyca.org

## RESOLUTION NO. 2016-74

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,  
the 19th day of September, 2016, by the following votes:

AYES: Council Members Barnes, McQuaid, Pilch and Mayor Maass

NOES: none

ABSENT: Council Member Nason

ABSTAINED: none

RECUSED: none

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this  
20th day of September, 2016.

Eileen Harrington  
DEPUTY CITY CLERK