

**RESOLUTION NO. 19-\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERCULES  
DECLARING A NOTICE OF INTENT TO VACATE EXCESS PUBLIC RIGHT-OF-  
WAY WITHIN THE SOUTHERLY PORTIONS OF LINUS PAULING  
DRIVE ABUTTING BAYFRONT – BLOCK R AND SETTING  
A PUBLIC HEARING FOR MAY 14, 2019**

**WHEREAS**, in 2000 the City adopted the “Waterfront District Master Plan” (WDMP). In 2008 the “Waterfront Now Initiative” was presented to the City Council, and the Council adopted the language of the ballot initiative with an additional “Section 4” being added to the original WDMP (often called the Bayfront Waterfront Plan, or the Initiative Plan or in this approval the HWDMP) without Alteration via Initiative Ordinance 440 on July 22, 2008; and

**WHEREAS**, further amendments to the Initiative, General Plan Amendment, Updates to Exhibits, and refinements to the HWDMP document were adopted through Council Ordinance 464 on January 10, 2012 to conform the HWDMP to the EIR documents; and

**WHEREAS**, on March 13, 2012 the City Council approved a Vesting Tentative Map, a Vesting Development Agreement, and an [Implementing Development Agreement](#) (IDA) (which was recorded June 15, 2012) covering the entire Bayfront-Waterfront Area rights and obligations between the owner and the City as development of the area progresses; and

**WHEREAS**, Exhibit L of the Implementing Development Agreement contains 91 conditions of approval related to the entire Bayfront project area with Condition #11 related to modifications to Linus Pauling Drive which states if the potential extension of the street was not feasible to connect to Street A in the Bayfront Project that the owner or successors would be responsible for constructing an emergency vehicle access between Linus Pauling and Bayfront as shown on the Vesting Tentative Map with any utility relocations and roadway improvements associated with the approved option being the responsibility of the owner; and

**WHEREAS**, Condition #6 of the Planning Commission Resolution 18-05 approving Design Review Permit for Blocks Q&R states, “**Linus Pauling Abandonment**. Applicant shall use best efforts as reasonably determined by the City to procure and provide appropriate maps and legal descriptions in coordination with the City and pay all costs to process and secure abandonment of Linus Pauling Drive where the alignment is not needed after reconfiguration, to be implemented before issuance of certificates of occupancy”; and

**WHEREAS**, the attached vacation Exhibit A shows the areas within the existing Linus Pauling Drive right-of-way that is anticipated to be needed for abandonment to meet the above mentioned approvals adjacent to Block R and consistent with the IDA.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Hercules that it:

1. Declares its intent to Vacate excess public right-of-way within the southerly portions of Linus Pauling Drive as shown on the attached Vacation Exhibit A, generally described as follows:
  - a. Approximately .016 acres along the northerly half of Linus Pauling Drive adjacent to Assessor Parcel No. (APN) 404-181-012 owned by Bio-Rad Laboratories Inc - Noted as Parcel C on Exhibit A.
  - b. Approximately .029 acres along the south-easterly side of Linus Pauling Drive adjacent to Assessor Parcels Nos. (APN) 404-183-005-2 owned by Hercules Real Est LTD Partnership (aka Pacific Biolabs, Inc business) -Noted as Parcel D on Exhibit A.
2. Requires notices to be sent via certified mail return receipt requested to the various utilities within the area as well as to the adjacent property owners regarding the proposed "Vacation".
3. Directs the Planning Commission to determine if the Vacation is in conformity with the City's General Plan in accordance with the California Government Code Section 65402(a).
4. Sets Tuesday May 14, 2019 at 7:00pm in the City Council Chambers located at 111 Civic Drive, Hercules as the time and place for hearing all persons interested in the proposed vacation. These proceedings shall be conducted pursuant to the provisions of Section 8300 *et. seq.* of the Streets and Highways Code of the State of California.
5. Directs the Planning Director to cause notices of the proposed vacations to be conspicuously posted along the perimeter of each area for at least two (2) weeks prior to the date of said hearing. Such notices shall be posted not more than three hundred (300) feet apart, but in no event shall fewer than three (3) notices be posted per area.
6. This Resolution shall be published for two (2) consecutive weeks prior to the hearing in a newspaper of general circulation, printed and published in the City of Hercules, Contra Costa County, California.

The foregoing Resolution was duly and regularly adopted at a regular meeting of the City Council of the City of Hercules held on the 23<sup>rd</sup> of April, 2019 by the following vote of the Council:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Dan Romero, Mayor

ATTEST:

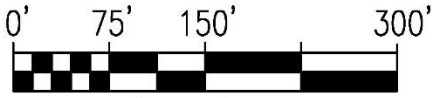
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Lori Martin, Administrative Services Director &  
City Clerk

**Exhibit A:** Linus Pauling Drive Partial Abandonment



CSW | ST 2

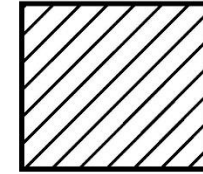


SCALE: 1"=150'



# LINUS PAULING DRIVE PARTIAL ABANDONMENT

## LEGEND:



PROPOSED  
ABANDONMENT  
AREA

