

Recording Requested by:

**City Clerk
City of Hercules
111 Civic Drive
Hercules, CA 94547**

RESOLUTION NO. 19-____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERCULES
APPROVING THE VACATION OF PUBLIC RIGHT-OF-WAY WITHIN
THE SOUTHERLY PORTIONS OF LINUS PAULING DRIVE
ABUTTING BAYFRONT BLOCK R**

WHEREAS, Linus Pauling Drive was dedicated for public use with the recordation of Subdivision 6212 on August 20, 1984, in Book 281 of Maps at page 30, Contra Costa County Records, and then constructed as part of subdivision 6212 improvements with the development of the North Shore Business Park with the potential to extend the street; and

WHEREAS, the remote location of the current dead end of Linus Pauling Drive has been a public nuisance for a number of years; and

WHEREAS, while updating the Circulation Element of the General Plan in February 2018 it was determined that the City would not need to connect Linus Pauling as a vehicular street through to John Muir Parkway as originally intended; and

WHEREAS, several utility lines are located within the proposed vacation area including at a minimum sanitary sewer, storm drain, water, and PG&E which are anticipated to be abandoned, relocated or kept in place and are contemplated to be completed as part of a future development; and

WHEREAS, said vacation of public right -of -way is generally shown on the attached Vacation Exhibits A.1 & A.2 and B.1 & B.2, dated April 14, 2019, for Parcels A & B defined on the attached legal description and plats; and

WHEREAS, the City may consider unneeded public right-of-way for vacation pursuant to the California Streets and Highways Code Section 8300 *et. seq.* ("S&H Code"); and

WHEREAS, on April 23, 2019, the City Council adopted Resolution 19-020 declaring a Notice of Intent to vacate unnecessary public right-of-way within the southerly portion of Linus Pauling Drive and set a Public Hearing for May 14, 2019 in accordance with said sections of the Streets and Highway; and

WHEREAS, in accordance with S&H Code Section 8347 and 8321, the City provided written notice as well as email to the public utility entities commonly known to provide service in the City and its surrounding area of the proposed vacation of public right -of-way and the petitioner on April 25, 2019; and

WHEREAS, courtesy notices were also mailed to property owners within 300' of the proposed abandonment area on April 25, 2019; and

WHEREAS, in accordance with S&H Code Section 8323 notices were also posted in the field every 300' on the premises of the areas proposed to be vacated on April 27, 2019; and

WHEREAS, in accordance with S&H Code Section 8322 the notice of intent was published twice as required by law in a newspaper of general circulation on May 2 and May 7, 2019 with an abandonment area map; and

WHEREAS, in accordance with S&H Code Section 8313 and pursuant to Government Code Section 65402, the Planning Commission passed Resolution 19-04 finding the proposed vacation of portions of right-of-way along the southeasterly portion of Linus Pauling Drive is in conformance with the City's General Plan; and

WHEREAS, a CEQA analysis was done through the adoption of the February 2018 Updated Circulation Element of the General Plan which removed Linus Pauling Drive from connecting to John Muir Parkway as part of the public street system; and

WHEREAS, on May 14, 2019, July 9, 2019 and September 10, 2019 the City Council conducted Public Hearings and considered written and spoken testimony and evidence from interested parties regarding the proposed vacation; and

WHEREAS, the attached Exhibit P1 shows the proposed areas of abandonment occurring on both sides of the centerline of Linus Pauling Drive and the locations of needed improvements and dedication necessary to finalize the abandonment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hercules as follows:

1. The foregoing facts and circumstances are true and correct and incorporated herein by reference; and
2. The Council finds that based on all the evidence submitted that the southerly portion of Linus Pauling Drive vacation Area is "unnecessary for present or prospective public use" as a public street and determines that "the vacation area is not useful as a nonmotorized transportation facility" (per Sections 8324 and 892 respectively of the Streets and Highways Code); and
3. The Linus Pauling Drive Vacation Areas as shown and legally described herein as Parcels A and B on the attached Exhibits A.1, A.2, B.1, and B.2 are vacated, effective upon the occurrence of all the following conditions:
 - a) The existing utilities located within the vacation area shall be abandoned, relocated or retained in an appropriate new easement established that is necessary to maintain, operate, replace, remove, or renew the public utility facilities as determined by the City Engineer with any new easements being accepted by the City Engineer and City Clerk without going back to the City Council.
 - b) A new partial cul-de-sac bulb, shown and described herein on attached Exhibits D.1 and D.2, shall be dedicated from Bio-Rad to the City and the new full bulb shall be

constructed by Hercules Bayfront Properties, LLC or their successor (hereafter called “developer”) for roadway purposes to accommodate adequate vehicular turnarounds subject to approval of the City Engineer.

- c) A new 22’ wide Emergency Vehicle Access (EVA) easement, shown herein on attached Exhibits C.1 and C.2, shall be dedicated from Bio-Rad to the City and a 20’ wide EVA shall be constructed by developer to be maintained by developer and/or the property owner.
4. Upon the occurrence of the foregoing conditions contained in 3a, 3b, and 3c above, the City Clerk is directed to record a certified copy of this Resolution in the office of the County Recorder to complete the abandonment.
5. In the event that the dedication and easement are not executed by Bio-Rad by April 1, 2020, Hercules Development Partners, LLC, may proceed with an alternative configuration to meet the requirement to provide for an EVA connection to the Linus Pauling Drive the Conditions of Approval for Blocks Q & R.

The foregoing Resolution was duly and regularly adopted at a regular meeting of the City Council of the City of Hercules held on the _____ day of _____, 2019 by the following vote of the Council:

AYES:

NOES:

ABSTAIN:

ABSENT:

Dan Romero, Mayor

ATTEST:

David Biggs
City Manager/Deputy City Clerk

Abandonment Exhibits:

Exhibit P1 – Property Distribution Reference Map

Exhibit A.1 & A.2 –Exhibits for Abandonment Parcel A Plat and Legal Description stamped

Exhibit B.1 & B.2 : Exhibits for Abandonment Parcel B Plat and Legal Description stamped

Exhibit C.1 & C.2 : Exhibits for Emergency Vehicle Access on Parcel C Plat and Legal Description

Exhibit D.1 & D.2 : Exhibits for Partial Bulb Dedication on Parcel D Plat and Legal Description

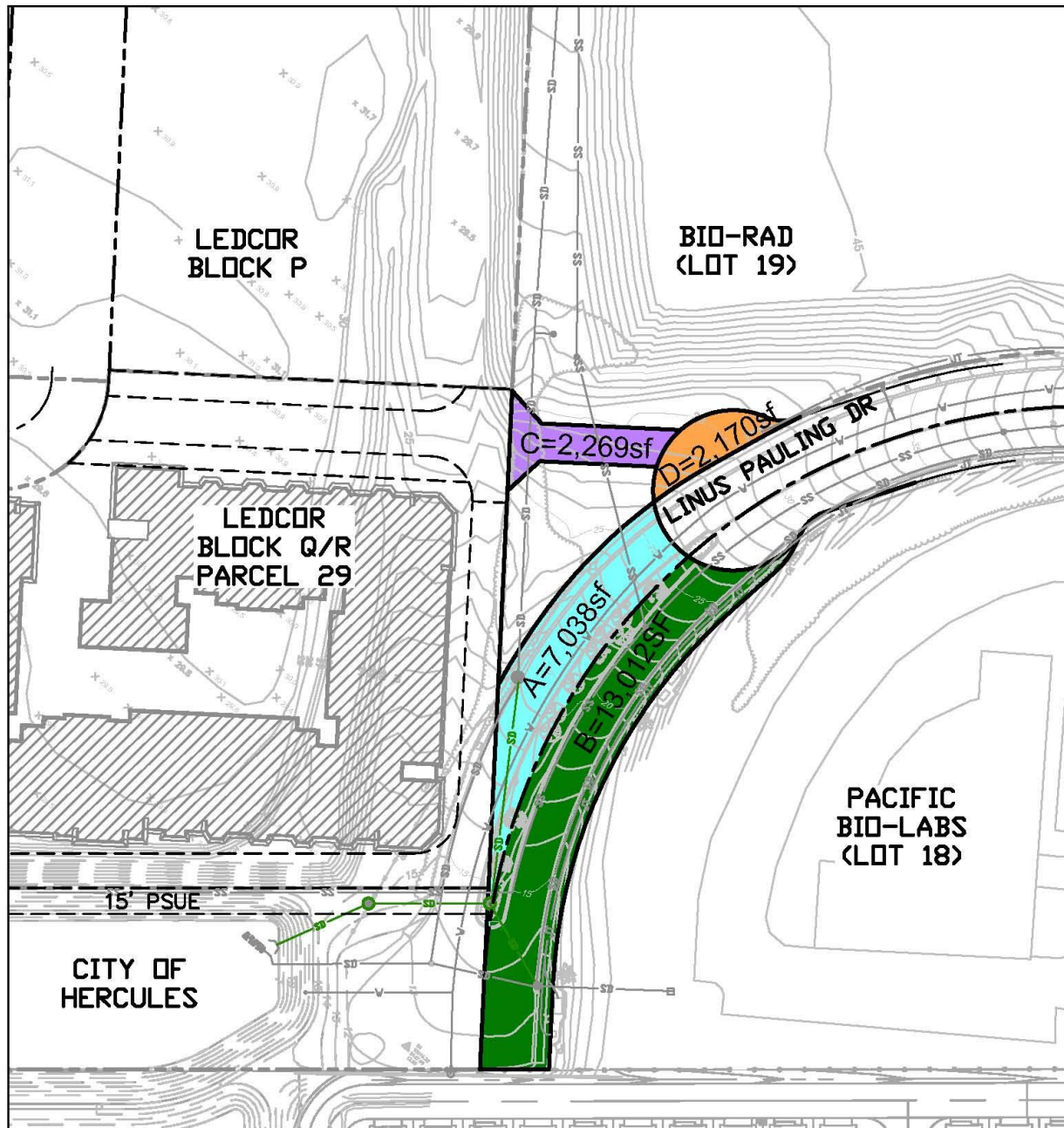
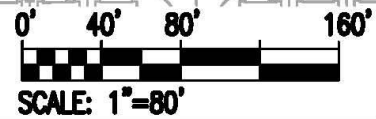


EXHIBIT P1:
PROPERTY DISTRIBUTION



CSW | ST2

1936 University Ave., Suite 250
Berkeley, CA 94707
<http://www.cswst2.com>

AUG-28-2019 JOB NO. 4.1217.01

PROPERTY BREAKDOWN TABLE				
PARCEL & COLOR	EXISTING PROPERTY OWNED BY	EXISTING EASEMENT IN FAVOR OF	FUTURE PROPERTY TO BE OWNED BY	PR EASEMENT IN FAVOR OF
A	CITY	CITY	BIO-RAD	N/A
B	CITY	CITY	PACIFIC BIO-LABS	N/A
C	BIO-RAD	N/A	BIO-RAD	EVA
D	BIO-RAD	N/A	CITY	N/A

Exhibit A.1
Abandonment of a Portion of Linus Pauling Drive
Hercules, California
Parcel A
PLAT

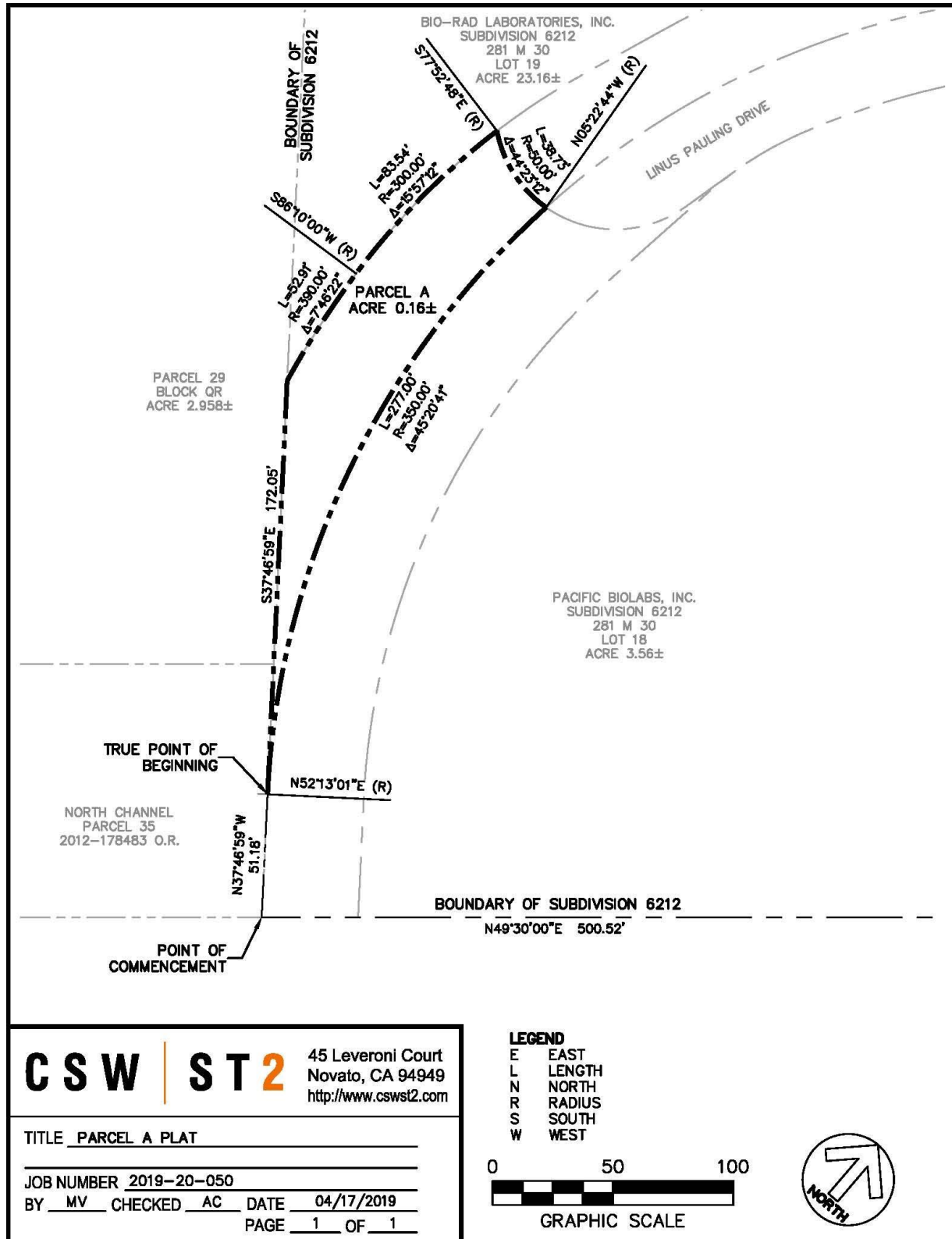


Exhibit A.2

Abandonment of a Portion of Linus Pauling Drive

Hercules, California

Parcel A

LEGAL DESCRIPTION

The City of Hercules hereby abandons a portion of Linus Pauling Drive as shown on that certain map of Subdivision 6212, Recorded August 20, 1984 in book 231 of Maps at Page 30, Contra Costa County Records; Said portion of Linus Pauling Drive is more particularly described as follows.

Commencing at the Southerly terminus of the course described as "North 49°30'00" East 500.52 feet" on the Boundary of said Subdivision 6212; thence along said Boundary North 37°46'59" West 51.18 feet to the True Point of Beginning; thence leaving said boundary along the centerline of said Linus Pauling drive along the arc of a curve tangent to said Boundary and the preceding course, concave to the Northeast, whose center bears North 52°13'01" East, having a radius 350.00 feet, through a central angle of 45°20'41", an arc distance of 277.00 feet; thence leaving said centerline along the arc of a non-tangent curve concave to the Northwest, whose center bears North 05°22'44" West, having a radius 50.00 feet, through a central angle of 44°23'12", an arc distance of 38.73 feet, to a point on the westerly right-of-way of said Linus Pauling Drive; thence along said right-of-way along the arc of a curve, concave to the Southeast, whose center bears South 77°52'48" East, having a radius of 300.00 feet, through a central angle of 15°57'12", an arc distance of 83.54 feet to a point of compound curve; thence along said compound curve, whose center bears South 86°10'00" West, having a radius of 390.00 feet, through a central angle of 07°46'22", an arc distance of 52.91 feet to a point on said Boundary of Subdivision 6212; thence along said Boundary south 37°46'59" east 172.05 feet to the Point of Beginning.

Said Parcel contains 0.16 Acres more or less.

Prepared by:

CSW/Stuber-Stroeh Engineering Group, Inc.

Al Cornwell

R.C.E. #27577



Exhibit B.1
Abandonment of a Portion of Linus Pauling Drive
Hercules, California
Parcel B
PLAT

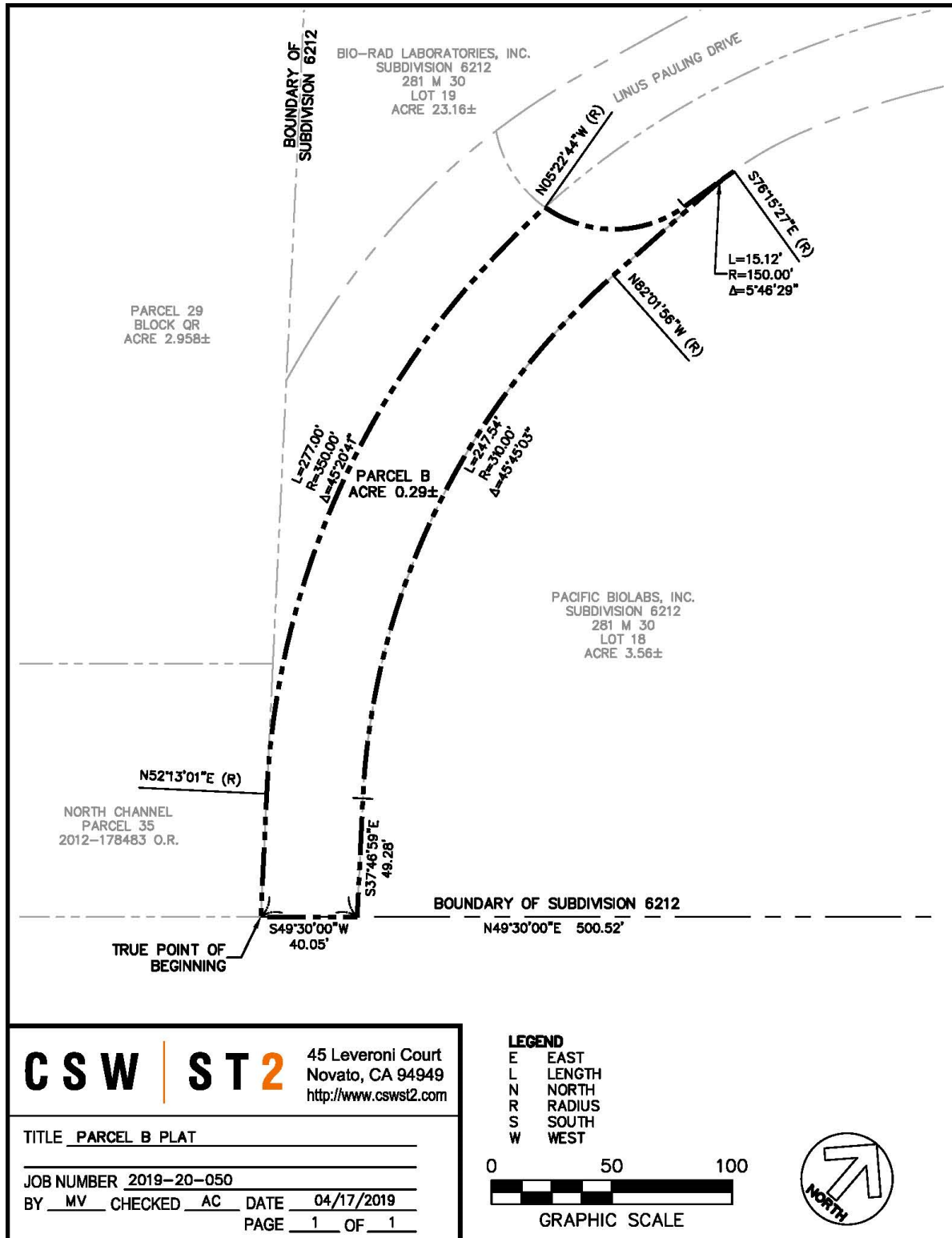


Exhibit B.2

Abandonment of a Portion of Linus Pauling Drive

Hercules, California

Parcel B

LEGAL DESCRIPTION

The City of Hercules hereby abandons a portion of Linus Pauling Drive as shown on that certain map of Subdivision 6212, Recorded August 20, 1984 in book 231 of Maps at Page 30, Contra Costa County Records; Said portion of Linus Pauling Drive is more particularly described as follows.

Beginning at the Southerly terminus of the course described as "North 49°30'00" East 500.52 feet" on the Boundary of said Subdivision 6212; thence along said boundary North 37°46'59" West 51.18 feet; thence leaving said Boundary along the centerline of said Linus Pauling drive along the arc of a curve tangent to the preceding course, concave to the northeast, whose center bears North 52°13'01" East, having a radius 350.00 feet, through a central angle of 45°20'41", an arc distance of 277.00 feet; thence leaving said centerline along the arc of a curve concave to the northwest, whose center bears North 05°22'44" West, having a radius of 50.00 feet, through a central angle of 70°52'43", an arc distance of 61.85 feet; thence North 13°44'33" East 25.32 feet to a point of cusp on the easterly right-of-way of said Linus Pauling Drive; thence along said right-of-way along the arc of a curve, concave to the Southeast, whose center bears South 76°15'27" East, having a radius of 150.00 feet, through a central angle of 05°46'29", an arc distance of 15.12 feet; thence South 07°58'04" West 51.23 feet; to beginning of a tangent curve to the left; thence along the arc of said tangent curve having a radius of 310.00 feet, through a central angle of 45°45'03", an arc distance of 247.54 feet; thence south 37°46'59" east 49.28 feet to a point on said Boundary of Subdivision 6212; thence along said Boundary South 40°30'00" West 40.05 feet to the Point of Beginning.

Said Parcel contains 0.29 Acres more or less.

Prepared by:

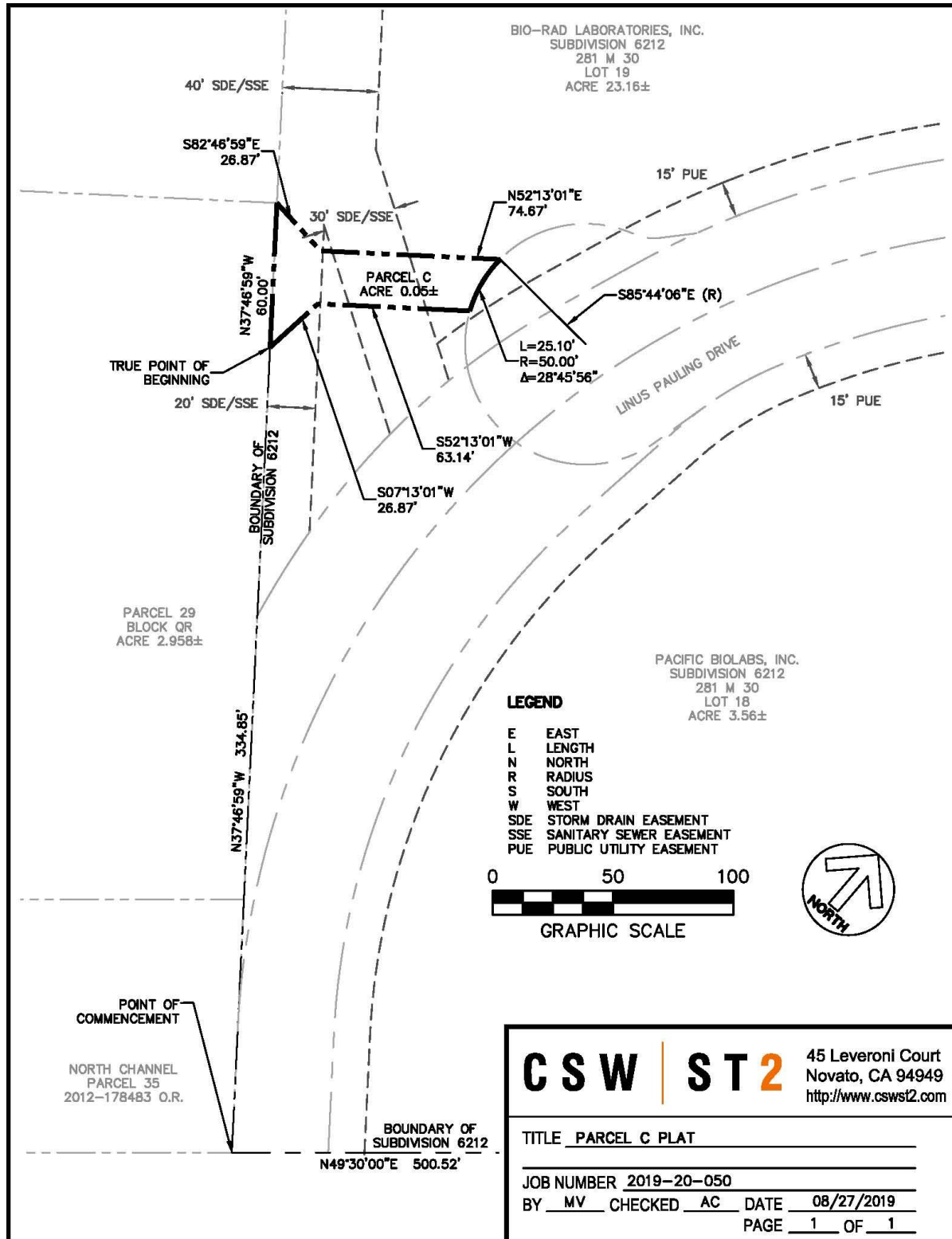
CSW/Stuber-Stroeh Engineering Group, Inc.

Al Cornwell

R.C.E. #27577



Exhibit C.1
Emergency Vehicle Access
Hercules, California
Parcel C
PLAT



CSW | ST2 45 Leveroni Court
 Novato, CA 94949
<http://www.cswst2.com>

TITLE PARCEL C PLAT

JOB NUMBER 2019-20-050

BY MV CHECKED AC DATE 08/27/2019

PAGE 1 OF 1

Exhibit C.2
Emergency Vehicle Access of
Hercules, California
Parcel C

LEGAL DESCRIPTION

That certain parcel of land situated within the city of Hercules, county of contra costa, state California, described as follows:

Being a portion of subdivision 6212, recorded august 20, 1984 in book 281 of maps at page 30, contra costa county records; said portion of Linus Pauling drive is more particularly described as follows.

Commencing at the southwesterly terminus of the course described as "north 49°30'00" east 500.52 feet" on the boundary of said subdivision 6212; thence along said boundary north 37°46'59" west 334.85 feet to the true point of beginning; thence along said boundary of the preceding course north 37°46'59" west 60.00 feet to a point on said boundary; thence leaving said boundary along line south 82°46'59" east 26.87 feet; thence north 52°13'01" east 74.67 feet to the beginning of a non-tangent curve to the right; thence along the arc of the non-tangent curve, concave to the southeast, whose center bears south 85°44'06" east, having a radius of 50.00 feet, through a central angle of 28°45'56", an arc distance of 25.10 feet; thence non-tangent to said curve south 52°13'01" west 63.14 feet; thence south 07°13'01" west 26.87 feet to the point of beginning.

Said parcel contains 0.05 acres more or less.

Prepared by:

CSW/Stuber-Stroeh Engineering Group, Inc.

Al Cornwell

R.C.E. #27577



Exhibit D.1

Partial Bulb Dedication Hercules, California Parcel D PLAT

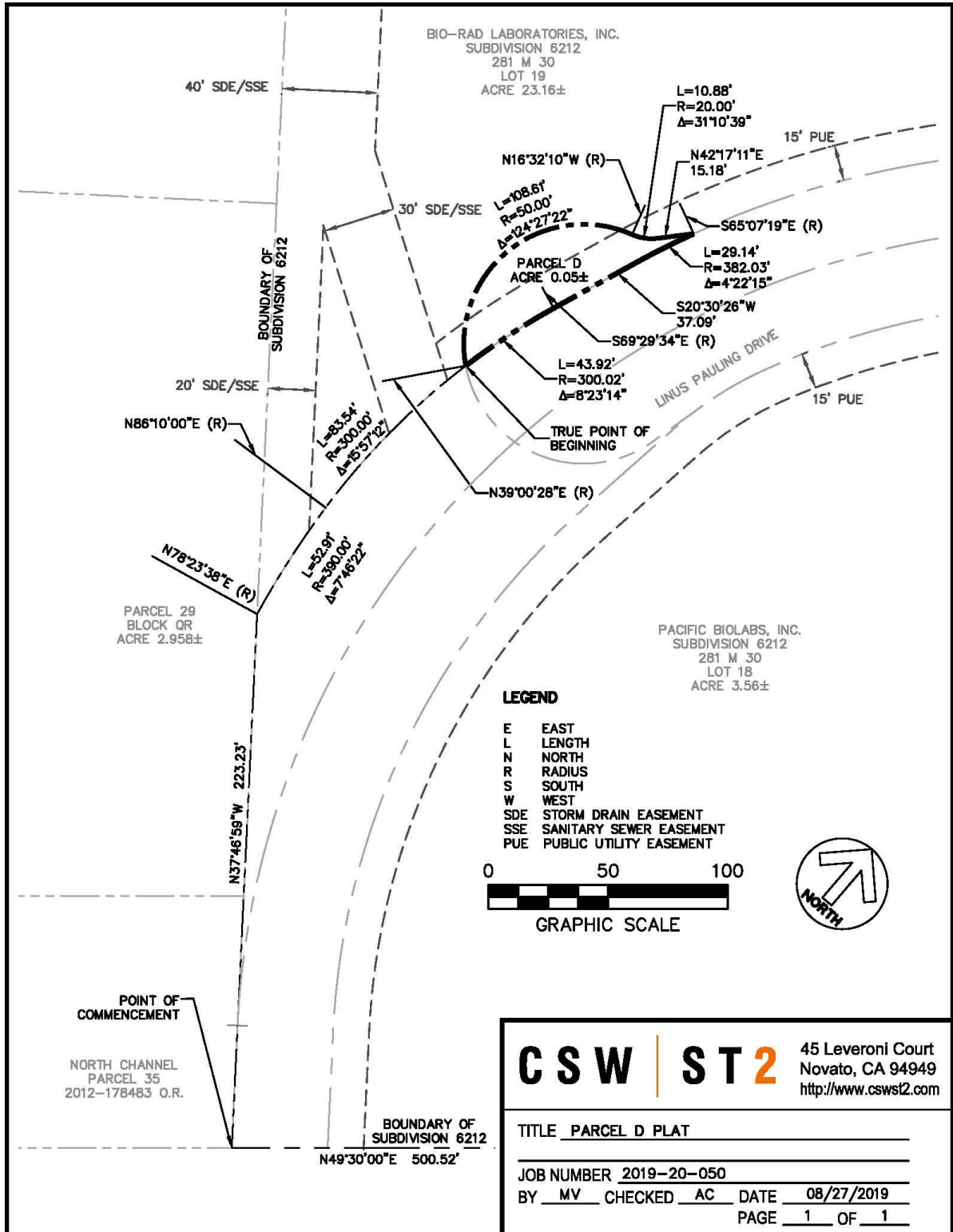


Exhibit D.2
Partial Bulb Dedication
Hercules, California
Parcel D

LEGAL DESCRIPTION

That certain parcel of land situated within the City of Hercules, county of Contra Costa, state California, described as follows:

Being a portion of subdivision 6212, recorded august 20, 1984 in book 281 of maps at page 30, contra costa county records; said portion of Linus Pauling drive is more particularly described as follows.

Beginning at the southwesterly terminus of the course described as "north 49°30'00" east 500.52 feet" on the boundary of said subdivision 6212; thence along said boundary north 37°46'59" west 223.23 feet to a point on the westerly right-of-way of said Linus Pauling drive; being a non-tangent curve; thence along arc of said non-tangent curve concave to the northeast, whose center bears north 78°23'38" east, having a radius of 390.00 feet, through a central angle of 07°46'22", an arc distance of 52.91 feet; thence along westerly right-of-way of said Linus Pauling drive, along the arc of non-tangent curve concave to the northeast, whose center bears north 86°10'00" east, having a radius of 300.00 feet, through a central angle of 15°57'12", an arc distance of 83.54 feet to the true point of beginning; thence along the arc of non-tangent curve to the northwest concave to the east, whose center bears north 39°00'28" east, having a radius of 50.00 feet, through a central angle of 124°27'22", an arc distance of 108.61 feet; thence along the arc of a tangent curve concave to the northwest, whose center bears north 16°32'10" west, having a radius of 20.00 feet, through a central angle of 31°10'39", an arc distance of 10.88 feet to the beginning of a line to the right; thence along said line north 42°17'11" east 15.18 feet to a point on the westerly right-of-way of said Linus Pauling drive; being a non-tangent curve; thence along westerly right-of-way of said Linus Pauling drive along arc of said non-tangent curve, concave to the southeast, whose center bears south 65°07'19" east, having a radius of 382.03 feet, through a central angle of 04°22'15", an arc distance of 29.14 feet; thence along westerly right-of-way of said Linus Pauling drive south 20°30'26" west 37.09 feet; thence along westerly right-of-way of said Linus Pauling drive along arc of the non-tangent curve, concave to the southeast, whose center bears south 69°29'34" east, having a radius of 300.02 feet, through a central angle of 8°23'14", an arc distance of 43.92 feet to the point of beginning.

Said parcel contains 0.05 acres more or less.

Prepared by:

CSW/Stuber-Stroeh Engineering Group, Inc.

Al Cornwell

R.C.E. #27577

