

**RESOLUTION NO. 20-02
CONFORMITY WITH THE GENERAL PLAN
HILL TOWN PROJECT**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
HERCULES FINDING THAT THE VACATION OF PORTIONS OF
EXCESS RIGHT-OF-WAY ALONG SAN PABLO AVENUE IS IN
CONFORMANCE WITH THE GENERAL PLAN**

WHEREAS, the Hercules General Plan was adopted on November 28, 1995; and

WHEREAS, California Streets and Highways Code Sections 8300 *et. seq.* allow a City's legislative body to vacate all or part of a street, highway, or public service easement within the city; and

WHEREAS, California Government Code Section 65402 requires that no street shall be vacated or abandoned until the location, purpose, and extent of such street vacation or abandonment have been submitted to and reported upon by the Planning Commission as to conformity with the City's adopted General Plan; and

WHEREAS, based on the Hill Town project's proposed plans for improvements to the adjacent streets, certain sections of existing right-of-way are excess and unnecessary and are proposed to be vacated; and

WHEREAS, the areas proposed to be vacated on San Pablo Avenue generally in three separate parcels and described as:

- 1) Parcel A; approximately .11 acres along the south side of San Pablo Avenue, and
- 2) Parcel B, approximately .95 acres along the northwest side of San Pablo Avenue, and
- 3) Parcel C, approximately .06 acres along the northwest side of San Pablo Avenue.

WHEREAS, notice of public hearing was published in the Contra Costa Times on March 3rd and March 10th, 2020; and

WHEREAS, the proposed right-of-way vacations have been reviewed by the City's Contract Engineer for the project and the Planning Director , who have determined the areas to be excess or unnecessary rights-of-way and recommend that the portions of rights-of-ways described and shown in the attached exhibits are no longer required for public street and highway purposes; and

WHEREAS, the Planning Commission has reviewed the proposed vacation of portions of rights-of-way in conjunction with proposed Hill Town project.

NOW, THEREFORE BE IT RESOLVED that the Planning Commission hereby finds that the proposed vacation of excess rights-of-way is in conformance with General Plan of the City of Hercules because of the following:

1. Location—The project site is within the boundaries of the Hercules General Plan and near the I-80 and SR-4 interchange. One of the four major concepts that guide the Land Use Element of the General Plan is the designation of land near that junction for mixed use residential commercial use. The proposed vacations are necessary for the proposed project, ponding basins which will provide for a mix of residential and neighborhood commercial, consistent with the General Plan.

2. Purpose—Among other relevant General Plan objectives, Object 5 calls to develop and maintain a pattern of residential land uses which provide for a variety and balance of densities and opportunities for a mix of dwelling and residential type.

3. Extent—The project proposes a minimum amount of right-of-way vacation—1.12 acres— to both accomplish the project objectives and satisfy competing General Plan policies regarding circulation improvements and conservation of environmental resources such as wetlands, providing for the linkage of private open spaces throughout the community on sidewalks with room for landscape adjacent to the street to be installed in the remaining right-of-way (keeping 10' in back of the existing face of curb along San Pablo Avenue), and maintaining adequacy of Level of Service E at buildout with the existing 2 northbound and 2 southbound lanes in San Pablo Avenue as further discussed in the staff report.

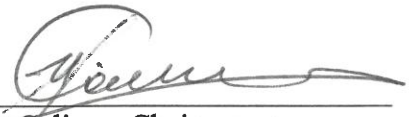
PASSED AND ADOPTED by the Planning Commission the City of Hercules on this 2nd day of March 2020, by the following vote:

AYES: Morrison/Tolley/Galieva/Rubio/Sacramento

NOES: None

ABSTAIN:

ABSENT:


Irina Galieva, Chairperson

ATTEST:


Holly Smyth, Planning Director &
Secretary of the Planning Commission

Exhibit A – Legal Descriptions of 3 areas

Exhibit B- Plats of the 3 areas

**EXHIBIT A
PUBLIC RIGHT OF WAY VACATION
LEGAL DESCRIPTION**

ALL THAT CERTAIN REAL PROPERTY LYING AND BEING IN THE CITY OF HERCULES, CONTRA COSTA COUNTY, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING PORTION OF THE EXISTING PUBLIC RIGHT OF WAY OF SAN PABLO AVENUE, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL 'A'

BEGINNING ON THE EAST RIGHT OF WAY LINE OF SAN PABLO AVENUE AT THE NORTHWESTERLY TERMINUS OF THAT LINE DELINEATED AS " N 24°34'47" W, 191.97' " ON SHEET 2 OF THAT CERTAIN MAP ENTITLED 'PARCEL MAP NO. 1002' FILED AUGUST 12, 1976 IN BOOK 47 OF PARCEL MAPS AT PAGE 19, CONTRA COSTA COUNTY RECORDS; THENCE FROM SAID POINT OF BEGINNING, LEAVING SAID EAST RIGHT OF WAY LINE ALONG THE FOLLOWING COURSES AND CURVES: NORTH 03°06'48" EAST, 451.30 FEET; THENCE NORTH 03°51'21" EAST, 51.26 FEET; THENCE NORTHERLY, NORTHEASTERLY AND EASTERLY ALONG A TANGENT CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 25.00 FEET, THROUGH A CENTRAL ANGLE OF 16°56'57" AND NORTHEASTERLY, ALONG THE ARC OF SAID CURVE, 7.40 FEET; THENCE SOUTH 85°27'19" EAST, 12.49 FEET TO A POINT ON SAID EAST RIGHT OF WAY LINE OF SAN PABLO AVENUE AS SHOWN ON SAID MAP (47 M 19); THENCE ALONG SAID EAST RIGHT OF WAY LINE SOUTH 02°34'16" WEST, 88.73 FEET; THENCE SOUTH 06°23'25" WEST, 300.55 FEET TO THE POINT OF BEGINNING.
CONTAINING 0.11 ACRES, MORE OR LESS.

PARCEL 'B'

BEGINNING ON SAID EAST RIGHT OF WAY LINE OF SAN PABLO AVENUE AT THE SOUTHWESTERLY TERMINUS OF THAT LINE DELINEATED AS " N 19°46'16" E, 775.35' " ON SHEET 2 OF SAID MAP (47 M 19); THENCE FROM SAID POINT OF BEGINNING, ALONG SAID EAST RIGHT OF WAY LINE SOUTHERLY ALONG A CURVE CONCAVE TO THE EAST, THE CENTER OF WHICH BEARS SOUTH 81°46'55" EAST, HAVING A RADIUS OF 1950.00 FEET, THROUGH A CENTRAL ANGLE OF 03°57'15" AND SOUTHERLY, ALONG THE ARC OF SAID CURVE, 134.58 FEET; THENCE SOUTH 02°34'16" WEST, 197.99 FEET; THENCE, LEAVING SAID EAST RIGHT OF WAY LINE ALONG THE FOLLOWING COURSES AND CURVES: NORTH 85°27'19" WEST, 11.80 FEET; THENCE NORTHWESTERLY AND NORTHERLY ALONG A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST, THE CENTER OF WHICH BEARS NORTH 41°24'53" EAST, HAVING A RADIUS OF 25.00 FEET, THROUGH A CENTRAL ANGLE OF 15°34'16" AND NORTHWESTERLY, ALONG THE ARC OF SAID CURVE, 6.79 FEET; THENCE NORTH 03°51'21" EAST, 241.31 FEET; THENCE NORTHERLY AND NORTHEASTERLY ALONG A TANGENT CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 1756.00 FEET, THROUGH A CENTRAL ANGLE OF 29°24'44" AND

NORTHERLY, ALONG THE ARC OF SAID CURVE, 901.42 FEET TO A POINT OF COMPOUND CURVATURE; THENCE NORTHEASTERLY AND EASTERLY ALONG A CURVE CONCAVE TO THE SOUTHEAST, THE CENTER OF WHICH BEARS SOUTH 20°06'27" EAST HAVING A RADIUS OF 25.00 FEET, THROUGH A CENTRAL ANGLE OF 13°12'59" AND EASTERLY, ALONG THE ARC OF SAID CURVE, 5.77 FEET; THENCE SOUTH 60°01'16" EAST, 13.79 FEET TO A POINT ON SAID EAST RIGHT OF WAY LINE OF SAN PABLO AVENUE; THENCE, ALONG SAID EAST RIGHT OF WAY LINE SOUTHWESTERLY ALONG A NON-TANGENT CURVE CONCAVE TO THE SOUTHEAST, THE CENTER OF WHICH BEARS SOUTH 57°52'42" EAST, HAVING A RADIUS OF 1950.00 FEET, THROUGH A CENTRAL ANGLE OF 00°52'21" AND SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, 29.70 FEET; THENCE SOUTH 19°46'16" WEST, 775.35 FEET TO THE POINT OF BEGINNING.
CONTAINING 0.95 ACRES, MORE OR LESS.

PARCEL 'C'

COMMENCING ON SAID EAST RIGHT OF WAY LINE OF SAN PABLO AVENUE AT THE NORTHERNMOST CORNER OF PARCEL 1 OF SAID MAP (47 M 19); THENCE ALONG SAID EAST RIGHT OF WAY LINE SOUTH 41°42'34" WEST, 21.79 FEET TO THE TRUE POINT OF BEGINNING; THENCE, FROM SAID TRUE POINT OF BEGINNING, ALONG SAID EAST RIGHT OF WAY LINE SOUTH 41°42'34" WEST 98.13 FEET; THENCE SOUTHWESTERLY ALONG A TANGENT CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 1950.00 FEET, THROUGH A CENTRAL ANGLE OF 04°55'36" AND SOUTHWESTERLY, ALONG THE ARC OF SAID CURVE, 167.67 FEET; THENCE LEAVING SAID EAST RIGHT OF WAY LINE ALONG THE FOLLOWING COURSES AND CURVES: NORTH 60°01'16" WEST, 8.83 FEET; THENCE NORTHWESTERLY AND NORTHEASTERLY ALONG A NON-TANGENT CURVE CONCAVE TO THE EAST, THE CENTER OF WHICH BEARS NORTH 66°50'55" WEST, HAVING A RADIUS OF 25.00 FEET, THROUGH A CENTRAL ANGLE OF 22°47'12" AND NORTHEASTERLY, ALONG THE ARC OF SAID CURVE, 9.94 FEET TO A POINT OF COMPOUND CURVATURE; THENCE NORTHEASTERLY ALONG A CURVE CONCAVE TO THE SOUTHEAST, THE CENTER OF WHICH BEARS SOUTH 53°51'05" EAST, HAVING A RADIUS OF 1210.00 FEET, THROUGH A CENTRAL ANGLE OF 01°56'01" AND NORTHEASTERLY, ALONG THE ARC OF SAID CURVE, 40.84 FEET TO A POINT OF COMPOUND CURVATURE; THENCE NORTHEASTERLY ALONG A CURVE CONCAVE TO THE SOUTHEAST, THE CENTER OF WHICH BEARS SOUTH 51°55'04" EAST, HAVING A RADIUS OF 2960.00 FEET, THROUGH A CENTRAL ANGLE OF 03°31'48" AND NORTHEASTERLY, ALONG THE ARC OF SAID CURVE, 182.36 FEET TO A POINT OF COMPOUND CURVATURE; THENCE NORTHEASTERLY ALONG A CURVE CONCAVE TO THE SOUTHEAST, THE CENTER OF WHICH BEARS SOUTH 48°20'36" EAST, HAVING A RADIUS OF 15.00 FEET, THROUGH A CENTRAL ANGLE OF 15°43'01" AND NORTHEASTERLY, ALONG THE ARC OF SAID CURVE, 4.11 FEET; THENCE TANGENTIALLY NORTH 57°19'45" EAST, 35.22 FEET TO THE TRUE POINT OF BEGINNING.
CONTAINING 0.07 ACRE, MORE OR LESS.

EXHIBIT B ATTACHED HERETO AND MADE A PART HEREOF.

END OF DESCRIPTION

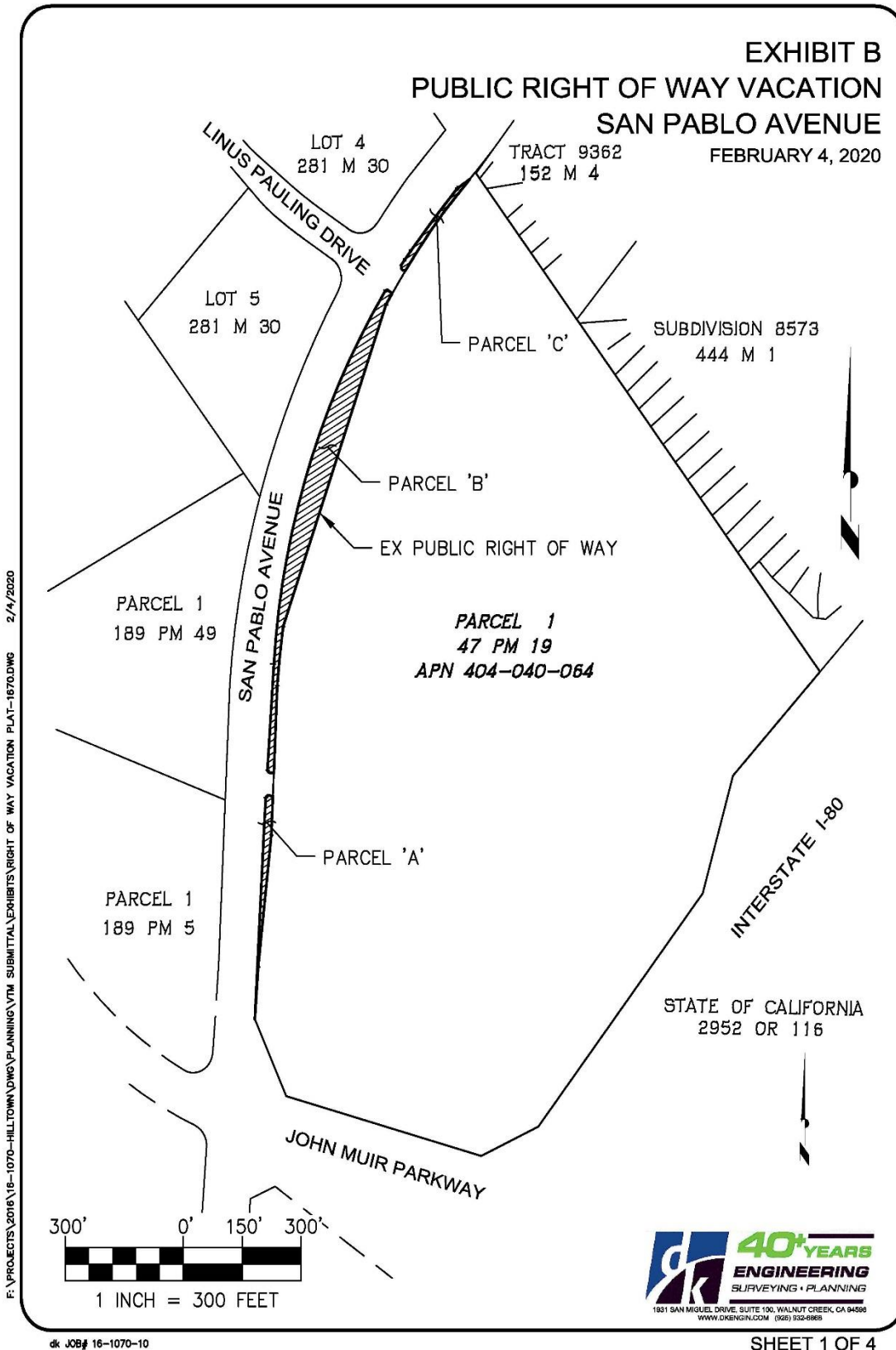


EXHIBIT B
PUBLIC RIGHT OF WAY VACATION
SAN PABLO AVENUE
FEBRUARY 4, 2020

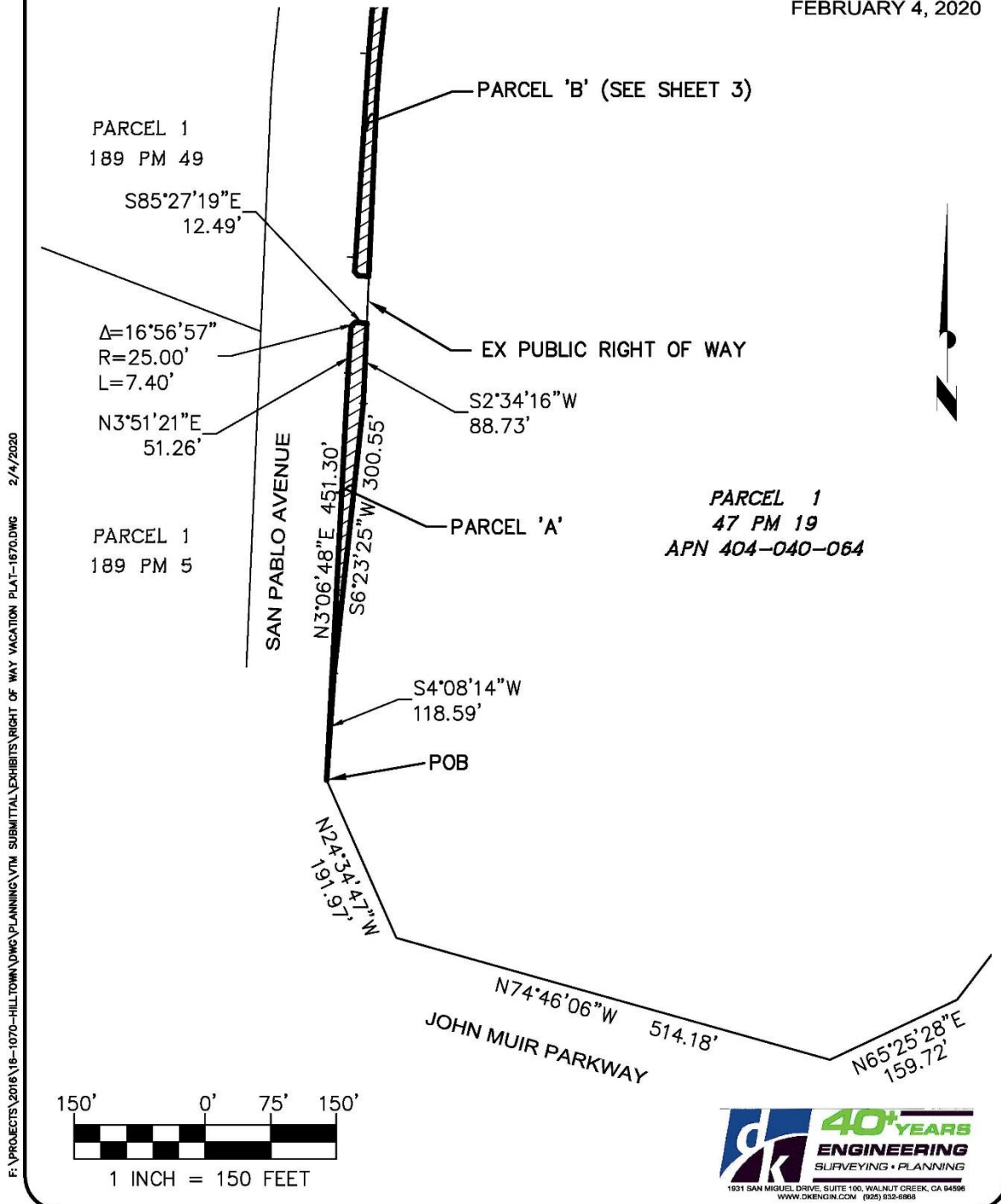
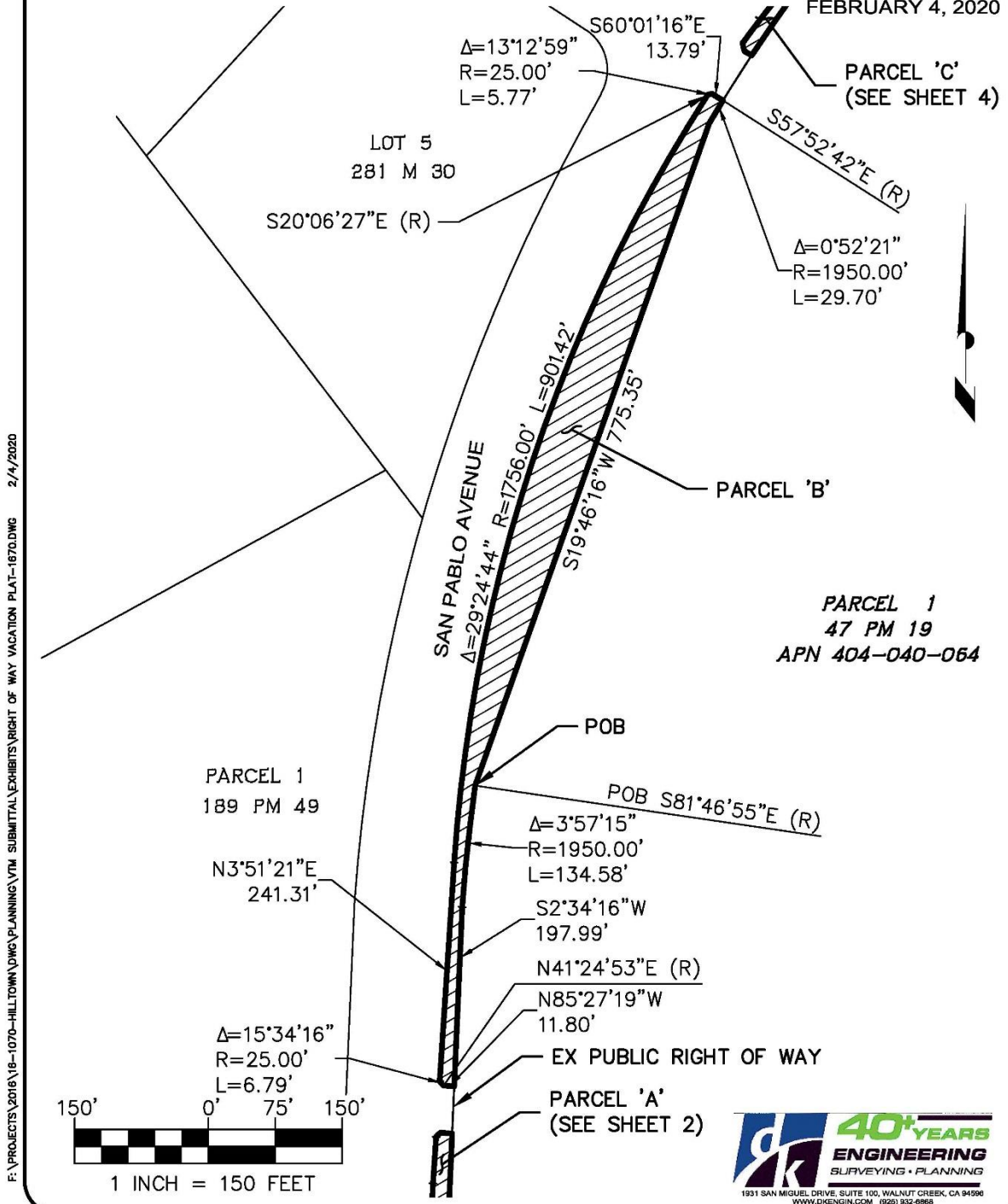


EXHIBIT B PUBLIC RIGHT OF WAY VACATION SAN PABLO AVENUE

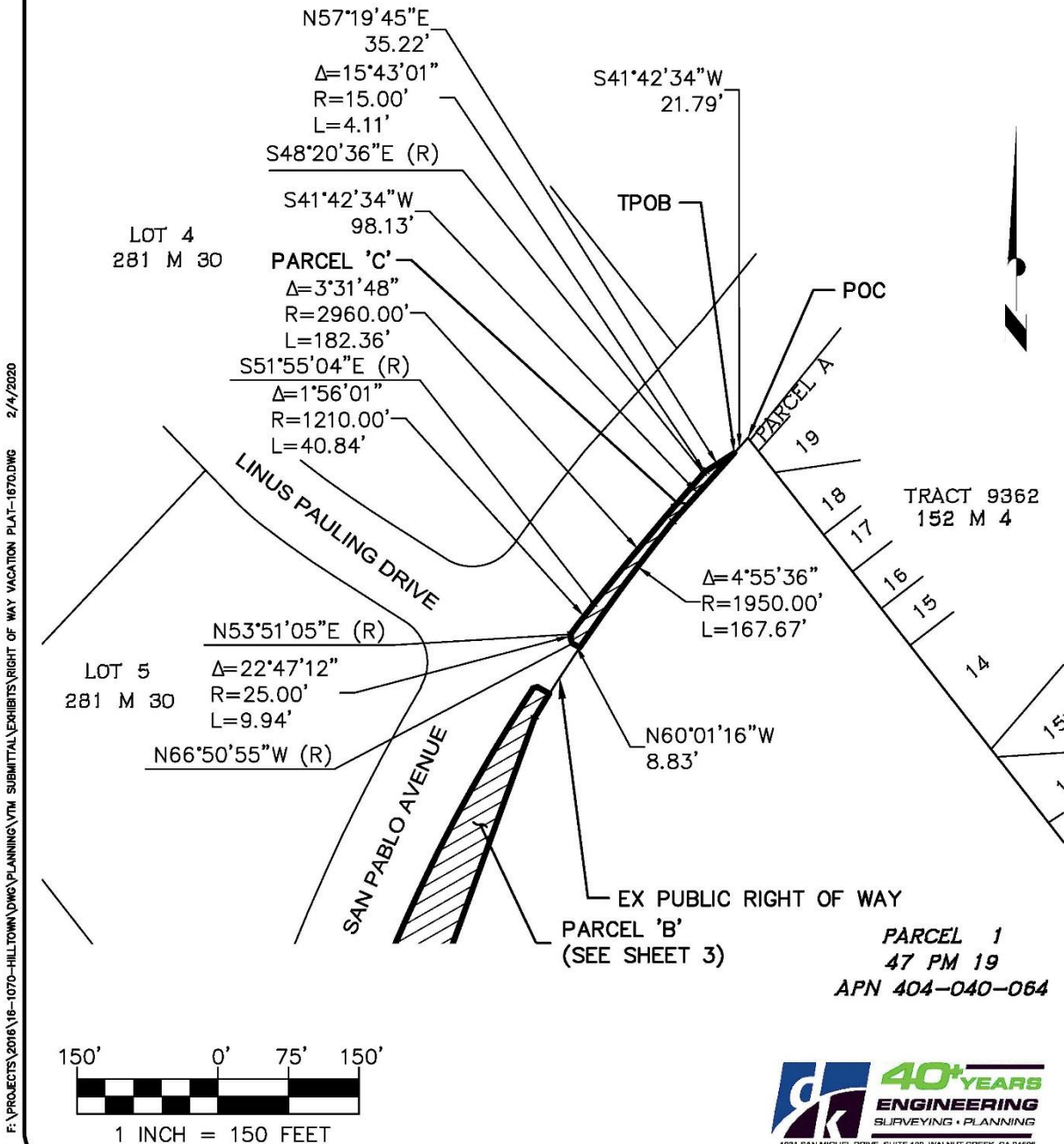
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SHEET 3 OF 4

EXHIBIT B
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SHEET 4 OF 4