01

ORDINANCE NO. 8,036-N.S.

AN ORDINANCE VACATING CERTAIN PUBLIC RIGHTS-OF-WAY AND AUTHORIZING THE CITY MANAGER TO CONVEY CERTAIN PROPERTY INTERESTS TO THE SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. Findings. The City Council finds as follows:

a. The North Berkeley BART Transit-Oriented Development project at 1750 Sacramento Street was approved on December 11, 2024, including Tentative Tract Map No. 8713, which identifies the property and right-of-way configuration proposed for the site.
b. The portions of land described in Exhibit A are small areas located adjacent to the North Berkeley BART station site and are proposed to be vacated and/or transferred in order to implement the parcel configuration shown on Tentative Tract Map No. 8713 and thus to facilitate the project.
c. The portions of the right-of-way described in Exhibit A are excess right-of-way not required for street or highway purposes, pursuant to Streets and Highways Code section 8334(a);
d. The portions of the right-of-way described in Exhibit A do not contain in-place public utility facilities that are in use and would be affected by the vacation, pursuant to Streets and Highways Code section 8334.5;
e. The public benefits of the project are equal to or greater than the de minimis value of the lands to be conveyed;
f. The City Clerk is hereby authorized and directed to cause a certified copy of this ordinance of vacation, attested by him under seal, to be recorded in the Office of the Recorder for Alameda County, California;
g. The portions of land described in Exhibit A are surplus and not necessary for the City's use. The properties described in Exhibit A are being transferred to another state agency, the San Francisco Bay Area Rapid Transit District, and/or are a "former street, right-of-way, or easement," conveyed to an owner of an adjacent property. The properties described in Exhibit A are not necessary for the City's use in light of the affordable housing development proposed to be built at the North Berkeley BART station site and the corresponding changes to the right of way associated with that project.

Section 2. Summary Vacation of Portions of the Right-Of-Way.
That pursuant to Streets and Highways Code Division 9, Part 3, Chapter 4, Sections 8330 to 8336, the City of Berkeley hereby vacates the portions of public right-of-way described in Exhibit A and shown in Exhibit B. From and after the date this ordinance is recorded, the street, highway, or public service easements vacated no longer constitute street, highway, or public service easements.

Section 3. Declaration of Exempt Surplus Land.
Pursuant to Government Code section 54221(b)(1), the City Council hereby declares that the lands described in Exhibit A are exempt surplus land.

Section 4. Conveyance of Property.
That the City Manager and City Clerk are hereby authorized and directed to execute quitclaim deeds, conveying the City's interests in the portions of the right-of-way and other land described in Exhibit A to the San Francisco Bay Area Rapid Transit District and take all additional actions required to effectuate that conveyance.

Section 5. Posting.
Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on October 27, 2026, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Blackaby, Humbert, Kesarwani, Lunaparra, O'Keefe, Taplin, Tregub, and Ishii.

Noes: None.

Absent: None.

September 22, 2026
Project No. 20230975

EXHIBIT A
LEGAL DESCRIPTION
TRANSFER AREA 1

All that certain real property situate in the City of Berkeley, County of Alameda, State of California, being a portion of Parcel R22-6 and Parcel R22-7 as shown on that certain Map entitled "RECORD MAPS OF RIGHT OF WAY BAY AREA RAPID TRANSIT DISTRICT ALAMEDA COUNTY" filed for record on September 20, 1971, in Book 68 of Maps at Page 122 through 146, inclusive, Records of said County, being more particularly described as follows:

BEGINNING at the northwesterly terminus of that certain course shown as "N15°16'46"W, 20.40'", as shown on said map, thence along the westerly lines of said Parcels R22-6 and R22-7, said westerly lines also being common to the easterly lines of Parcel O-R 382 and Parcel O-R 381 as shown on said map, North 05°25'30" West, 25.92 feet;

Thence leaving said common line, South 46°06'38" East 7.67 feet to a point on the easterly line of said Parcel R22-7, said line being common to the westerly right-of-way line of Sacramento Street as shown on said map;

Thence along said common line, South 05°25'30" East, 7.78 feet;

Thence leaving said common line, South 00°59'15" East, 26.97 feet to a point on said common line of said Parcel R22-6 and said Parcel O-R 382;

Thence along said common line, North 16°44'06" West, 14.85 feet to the **POINT OF BEGINNING**.

Containing 139 square feet, more or less.

BASIS OF BEARINGS

(a) The bearing of South 05°31'15" East of the easterly right-of-way line of Acton Street as shown on that certain unrecorded map entitled "SKETCH OF PROPOSED RESUBDIVISION OF A PORTION OF THE VISTA DEL MAR TRACT", dated February 1913 by T.J. Allen, C.E. and on file with the City of Berkeley, was taken as the Basis of Bearings.

A plat showing the above-described parcel is attached hereto and made a part hereof as Exhibit B.

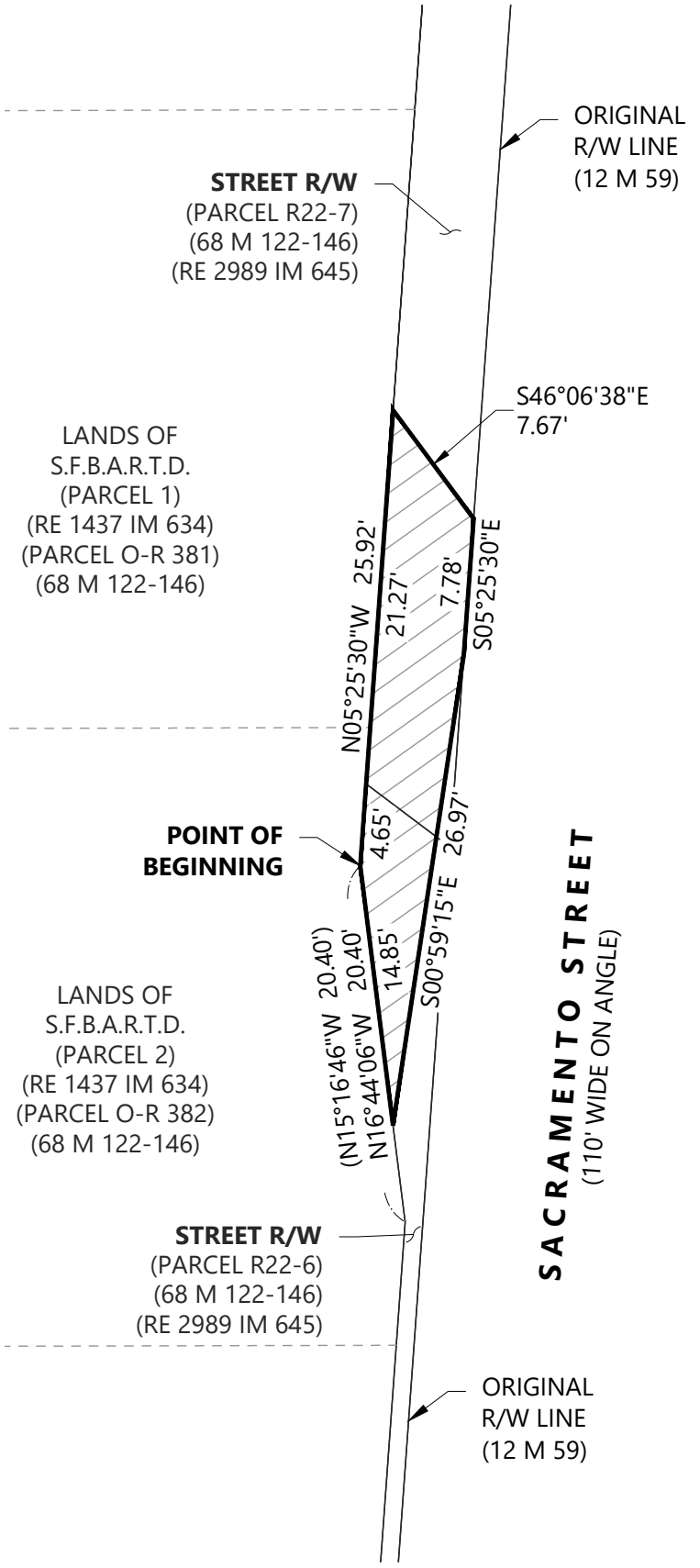
This legal description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyors' Act.

David C. Jungmann, PLS 9267



09/22/2026
Date

END OF DESCRIPTION



LEGEND

———	LOT LINE
- - - - - - - - - -	RECORD LOT LINE
IM	IMAGE
RE	REEL
R/W	RIGHT OF WAY
S.F.B.A.R.T.D.	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
SQ.FT.	SQUARE FEET

TRANSFER AREA 1
AREA = 139± SQ.FT.

GRAPHIC SCALE

0 10 20

PROFESSIONAL LAND SURVEYOR
DAVID C. JUNGMANN
No. 9267
STATE OF CALIFORNIA

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255 SHORELINE DR.,
SUITE 200
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(650) 482-6300
www.bkf.com

SUBJECT EXHIBIT B – PLAT TO ACCOMPANY LEGAL DESCRIPTION
JOB NO. 20130975
BY BDF APPR. DCJ DATE 09/22/2026
3 OF 3

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DRAWING NAME: C:\Box\Projects - BKF\BKF-RC\2023\230975_North_Berkely_BART_Survey\SUR\Mapping\Plot and Legal\2026-09-22_UPDATES\2026-09-22_Transfer_Area_1-UPDATE\230975-Transfer_Area_1_Plot_2026-09-22.dwg
PLOT DATE: 09-22-26
PLOTTED BY: rileyscwill

September 22, 2026
Project No. 20230975

EXHIBIT A
LEGAL DESCRIPTION
TRANSFER AREA 2

All that certain real property situate in the City of Berkeley, County of Alameda, State of California, being a portion of Parcel R22-5 as shown on that certain Map entitled "RECORD MAPS OF RIGHT OF WAY BAY AREA RAPID TRANSIT DISTRICT ALAMEDA COUNTY" filed for record on September 20, 1971, in Book 68 of Maps at Page 122 through 146, inclusive, Records of said County, being more particularly described as follows:

BEGINNING at the northwesterly terminus of that certain course shown as "N04°04'14"W, 127.00'", as shown on said map, thence along the easterly line of said Parcel R22-5, said easterly line also being common to the westerly lines of the Parcel O-R 359, Parcel O-R 376 and Parcel O-R 375 as shown on said map, South 05°31'15" East, 127.06 feet;

Thence continuing along the common line of said Parcel R22-5 and said Parcel O-R 375, South 11°34'55" West 23.59 feet;

Thence leaving last said common line, North 05°31'15" West, 153.95 feet to a point on the common line of said Parcel R22-5 and said Parcel O-R 359;

Thence along said common line, South 63°30'55" East, 8.18 feet to the **POINT OF BEGINNING**.

Containing 975 square feet, more or less.

BASIS OF BEARINGS

The bearing of South 05°31'15" East of the easterly right-of-way line of Acton Street as shown on that certain unrecorded map entitled "SKETCH OF PROPOSED RESUBDIVISION OF A PORTION OF THE VISTA DEL MAR TRACT", dated February 1913 by T.J. Allen, C.E. and on file with the City of Berkeley, was taken as the Basis of Bearings.

A plat showing the above-described parcel is attached hereto and made a part hereof as Exhibit B.

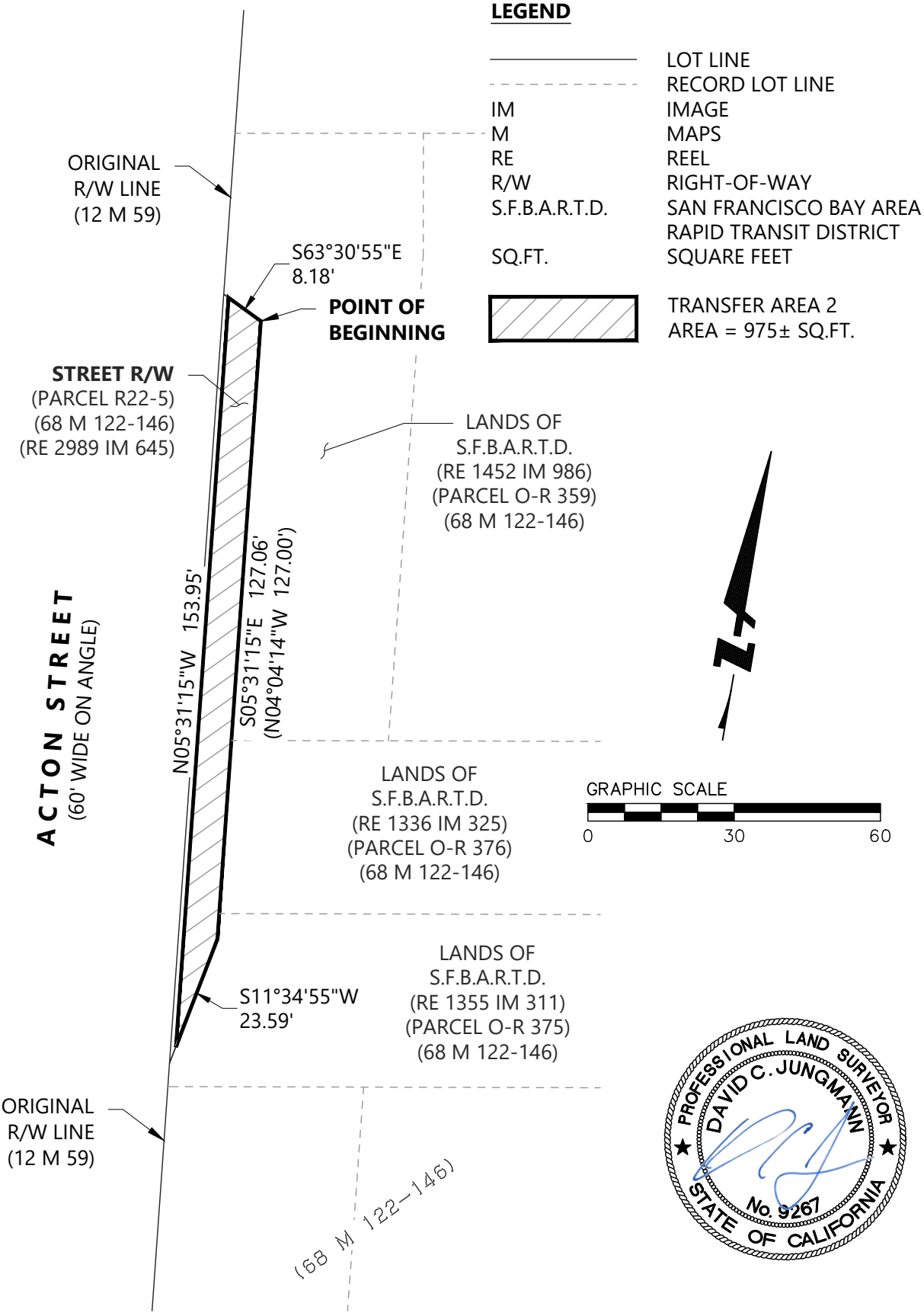
This legal description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyors' Act.

David C. Jungmann, PLS 9267



09/22/2026
Date

END OF DESCRIPTION



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SUBJECT EXHIBIT B – PLAT TO ACCOMPANY LEGAL DESCRIPTION
JOB NO. 20130975
BY BDF APPR. DCJ DATE 09/22/2026
3 OF 3

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DRAWING NAME: C:\Box\Projects - BKF\BKF-RC\2023\230975_North_Berkely_BART_Survey\SUR\Mapping\Plot and Legal\2026-09-22_Transfer_Area_2_UPDATE\230975-Transfer_Area_2_Plot_2026-07-16.dwg
PLOT DATE: 09-22-26
PLOTTED BY: rileyscovill

August 17, 2026
Project No. 20230975

EXHIBIT A
LEGAL DESCRIPTION
STREET VACATION AREA 1

All that certain real property situate in the City of Berkeley, County of Alameda, State of California, being a portion of Sacramento Street as shown on that certain Map entitled "RECORD MAPS OF RIGHT OF WAY BAY AREA RAPID TRANSIT DISTRICT ALAMEDA COUNTY" filed for record on September 20, 1971, in Book 68 of Maps at Page 122 through 146, inclusive, Records of said County, being more particularly described as follows:

COMMENCING at the southeast corner of Parcel R22-2 as shown on said map;

Thence along the easterly lines of said Parcel R22-2, Parcel R22-6 and Parcel R22-7 as shown on said map, North 05°25'30" West, 210.93 feet to the **POINT OF BEGINNING**;

Thence continuing along said easterly line of said Parcel R22-7, North 05°25'30" West, 7.78 feet;

Thence leaving said easterly line, South 46°06'38" East, 0.85 feet;

Thence South 00°59'15" East, 7.16 feet to the **POINT OF BEGINNING**.

Containing an area of 2 square feet, more or less.

BASIS OF BEARINGS

The bearing of South 05°31'15" East of the easterly right-of-way line of Acton Street as shown on that certain unrecorded map entitled "SKETCH OF PROPOSED RESUBDIVISION OF A PORTION OF THE VISTA DEL MAR TRACT", dated February 1913 by T.J. Allen, C.E. and on file with the City of Berkeley, was taken as the Basis of Bearings.

A plat showing the above-described parcel is attached hereto and made a part hereof as Exhibit B.

This legal description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyors' Act.

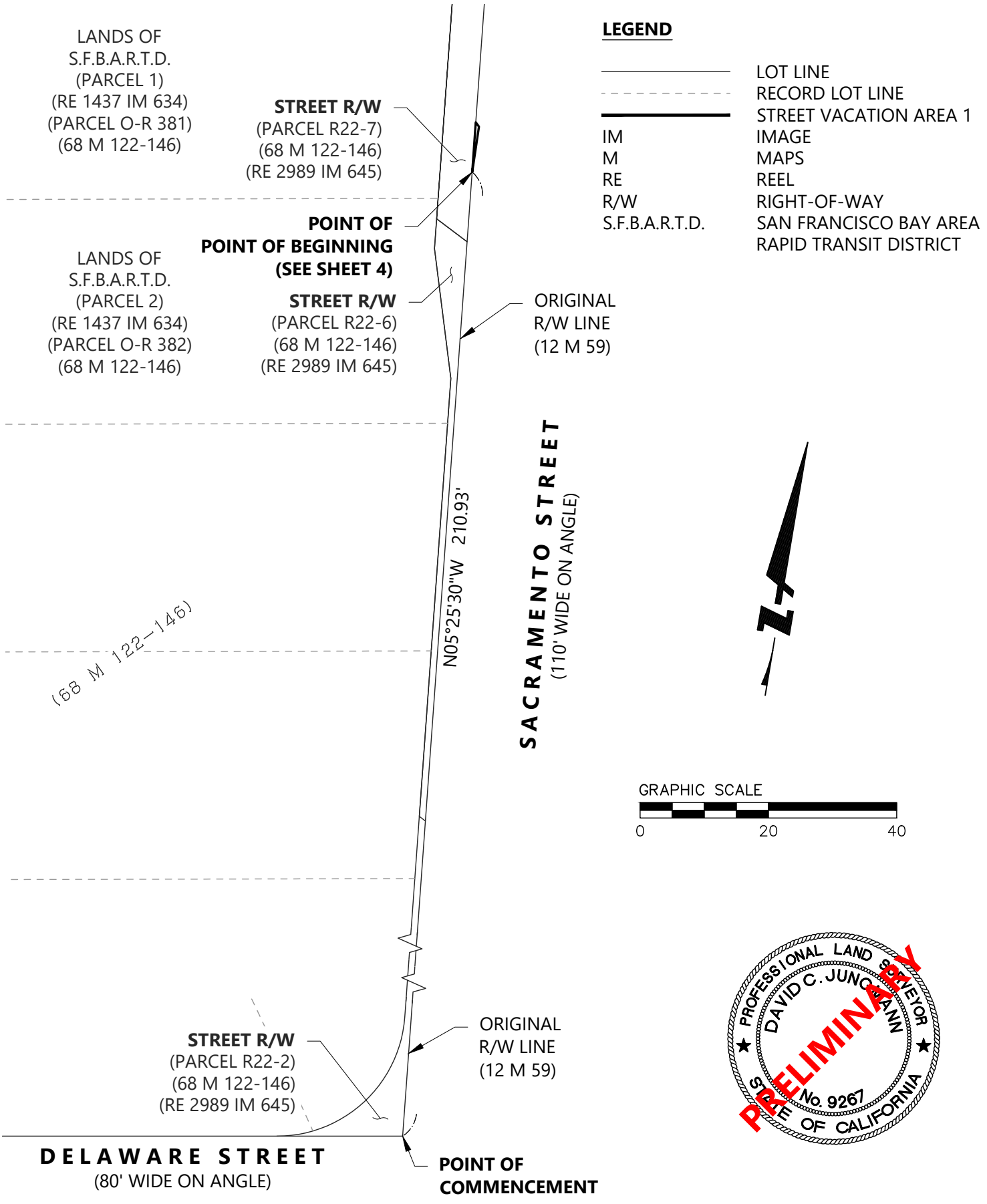
Preliminary

David C. Jungmann, PLS 9267



09/22/2026
Date

END OF DESCRIPTION

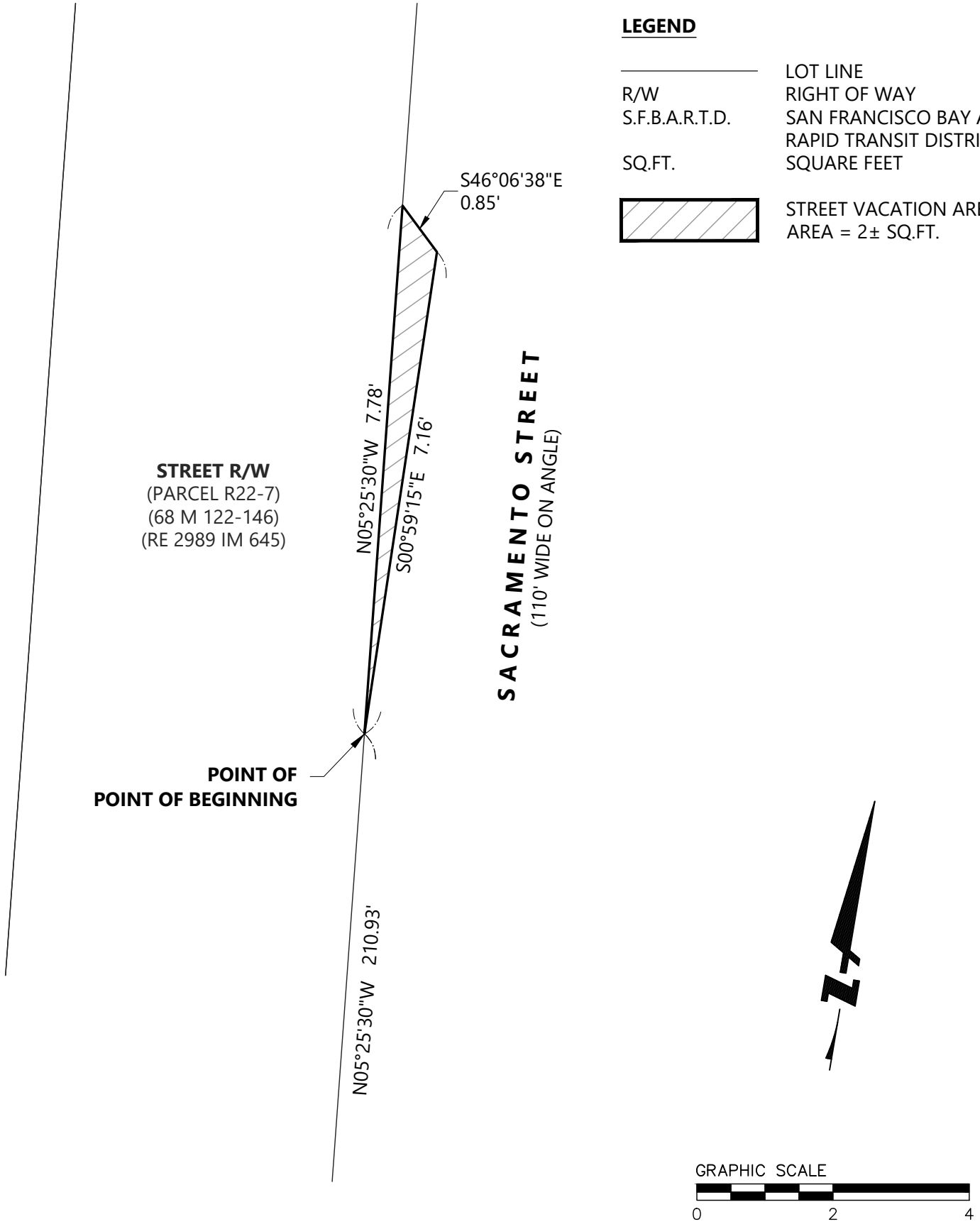


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SUBJECT EXHIBIT B – PLAT TO ACCOMPANY LEGAL DESCRIPTION
JOB NO. 20130975
BY BDF APPR. DCJ DATE 09/22/2026
3 OF 4

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DRAWING NAME: C:\Box\Projects - BKF\BKF-RC\2023\230975_North_Berkely_BART_Survey\SUR\Mapping\Plot and Legal\2026-09-22_Vacation_Area_1_UPDATE\230975-Vacation_Area_1_Plot_2026-08-13.dwg
PLOT DATE: 09-22-26
PLOTTED BY: rileyscovill



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4 OF 4

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DRAWING NAME: C:\Box\Projects - BKF\BKF-RC\2023\230975_North_Berkely_BART_Survey\SUR\Mapping\Plot and Legal\2026-09-2026_UPDATES\2026-09-22_Vacation_Area_1_UPDATE\230975-Vacation_Area_1_Plot_2026-08-13.dwg
PLOT DATE: 09-22-26
PLOTTED BY: rileyscovill

August 17, 2026
Project No. 20230975

EXHIBIT A
LEGAL DESCRIPTION
STREET VACATION AREA 2

All that certain real property situate in the City of Berkeley, County of Alameda, State of California, being a portion of Delaware Street as shown on that certain Map entitled "RECORD MAPS OF RIGHT OF WAY BAY AREA RAPID TRANSIT DISTRICT ALAMEDA COUNTY" filed for record on September 20, 1971, in Book 68 of Maps at Page 122 through 146, inclusive, Records of said County, being more particularly described as follows:

COMMENCING at the southwest corner of Parcel R22-4 as shown on said map;

Thence along the southerly line of said Parcel R22-4 and the northerly right of way line of said Delaware Street, North 80°27'00" East, 13.75 feet to the **POINT OF BEGINNING**;

Thence continuing along said northerly right of way line, North 80°27'00" East, 186.73 feet;

Thence leaving said northerly right of way line, South 76°16'28" West, 12.52 feet;

Thence South 80°27'00" West, 168.76 feet to the beginning of a tangent curve to the right;

Thence along said tangent curve, having a radius of 17.00 feet, through a central angle of 18°50'47", for an arc length of 5.59 feet to the **POINT OF BEGINNING**.

Containing an area of 163 square feet, more or less.

BASIS OF BEARINGS

The bearing of South 05°31'15" East of the easterly right-of-way line of Acton Street as shown on that certain unrecorded map entitled "SKETCH OF PROPOSED RESUBDIVISION OF A PORTION OF THE VISTA DEL MAR TRACT", dated February 1913 by T.J. Allen, C.E. and on file with the City of Berkeley, was taken as the Basis of Bearings.

A plat showing the above-described parcel is attached hereto and made a part hereof as Exhibit B.

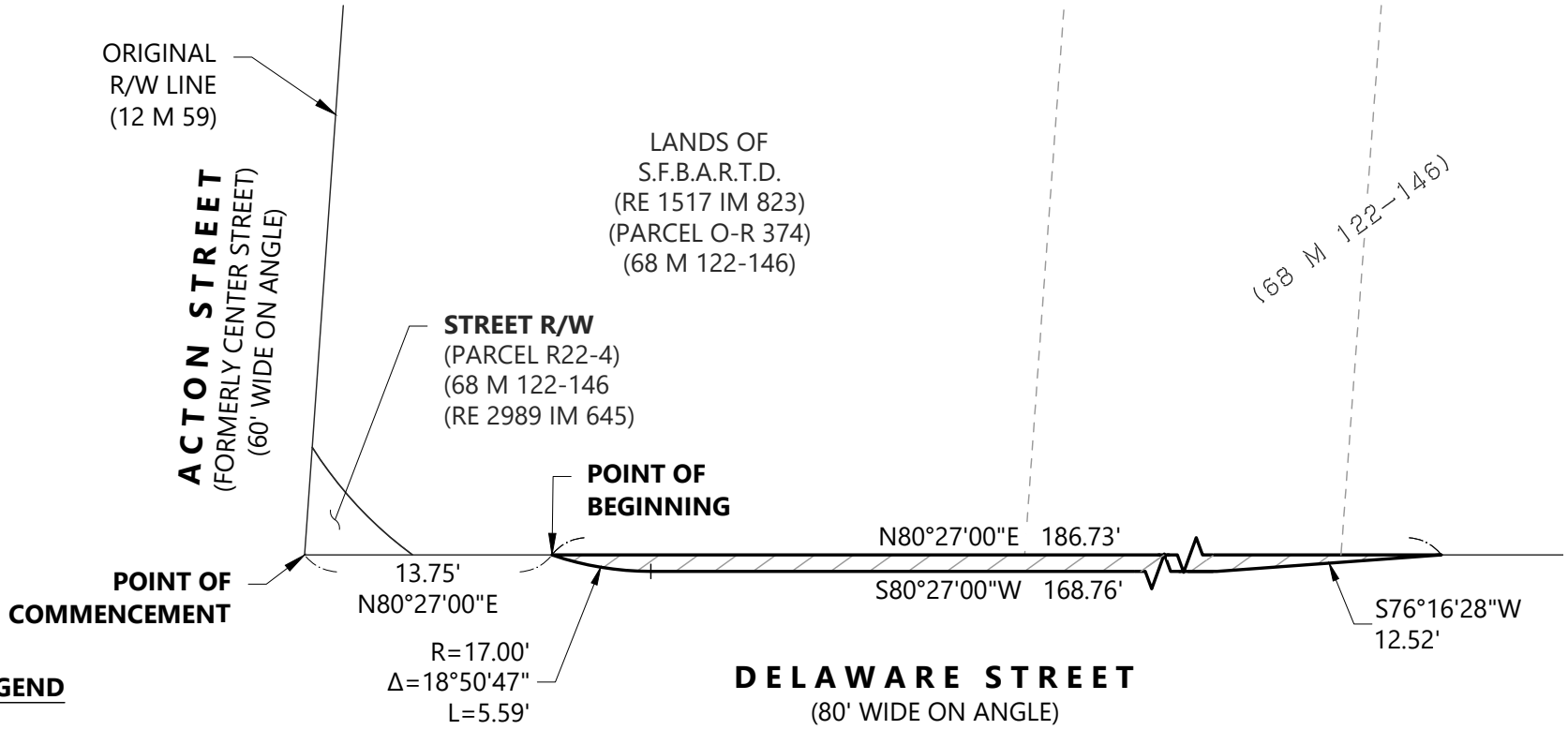
This legal description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyors' Act.



Preliminary
David C. Jungmann, PLS 9267

09/22/2026
Date

END OF DESCRIPTION



LEGEND

———	LOT LINE
- - - - - - - - - -	RECORD LOT LINE
IM	IMAGE
M	MAPS
RE	REEL
R/W	RIGHT-OF-WAY
S.F.B.A.R.T.D.	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
▨	STREET VACATION AREA 2 AREA = 163± SQ.FT.

GRAPHIC SCALE

0 10 20

PROFESSIONAL LAND SURVEYOR
DAVID C. JUNCKMANN
No. 9267
STATE OF CALIFORNIA
PRELIMINARY

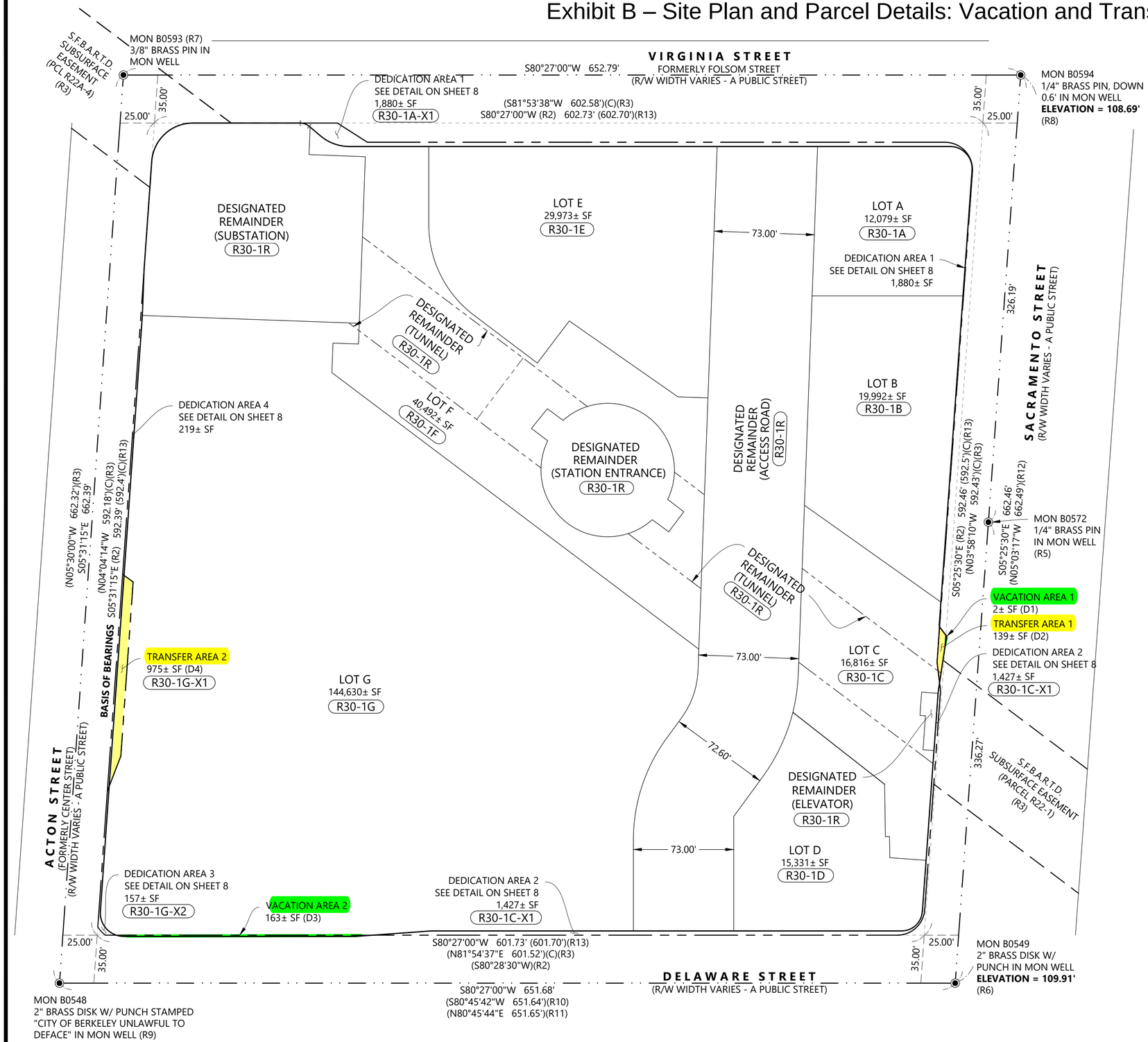
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PLOT DATE: 09–22–26
PLOTTED BY: riley.cowell

Exhibit B – Site Plan and Parcel Details: Vacation and Transfer Areas



GRAPHIC SCALE
0 50 100

LEGEND

◉	FOUND MONUMENT AS NOTED
(C)	CALCULATED FROM RECORD
(D#)	DENOTES RECORD DOCUMENT REFERENCE
MON	MONUMENT
O.R.	OFFICIAL RECORDS
PCL	PARCEL
PTR	PRELIMINARY TITLE REPORT
(R)	DENOTES RADIAL BEARING
(R#)	DENOTES RECORD MAP REFERENCE
S.F.B.A.R.T.D.	SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT
SQ. FT.	SQUARE FEET
R30-1A	S.F.B.A.R.T.D. PARCEL #

LINETYPES

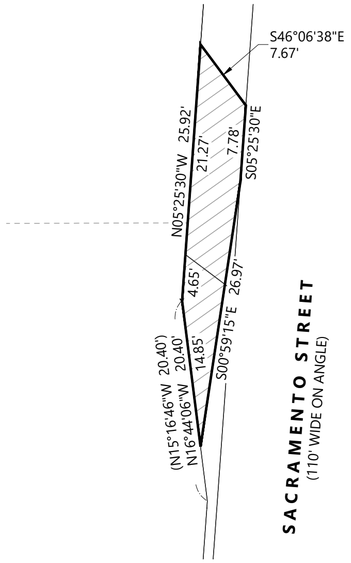
- RESULTANT BOUNDARY LINE
- EXISTING BOUNDARY LINE
- FORMER RIGHT-OF-WAY LINE
- EASEMENT LINE
- MONUMENT LINE
- TIE LINE/RADIAL LINE
- VERTICAL STEP IN LOT

CITY OF BERKELEY ALAMEDA COUNTY CALIFORNIA

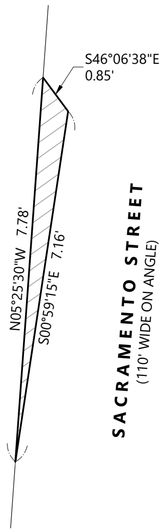
SCALE 1" = 50' AUGUST 2026

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Exhibit B – Site Plan and Parcel Details: Vacation and Transfer Areas



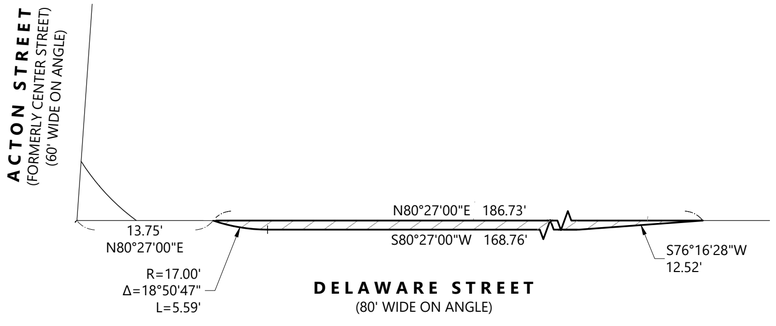
TRANSFER AREA 1
AREA = 139± SQ.FT.



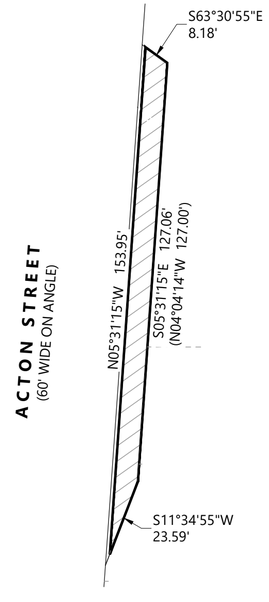
STREET VACATION AREA 1
AREA = 2± SQ.FT.



STREET VACATION AREA 1, SHOWN
WITH TRANSFER AREA 1 DETAIL



STREET VACATION AREA 2
AREA = 163± SQ.FT.



TRANSFER AREA 2
AREA = 975± SQ.FT.

CITY OF BERKELEY ALAMEDA COUNTY CALIFORNIA

AUGUST 2026

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