



Office of the City Manager

CONSENT CALENDAR
July 8, 2025

To: Honorable Mayor and Members of the City Council
From: Paul Buddenhagen, City Manager
Submitted by: Terrance Davis, Director of Public Works
Subject: Intent to Vacate A Portion of Carleton Street From Westerly Terminus
Extending 381.23 Feet Easterly

RECOMMENDATION

Adopt a Resolution declaring intent to vacate a 381.23-linear-foot (27,449 square foot) portion of the public right-of-way on Carleton Street, located at the westerly terminus of Carleton Street, and conveying the City's interests in the vacated right of way to Bayer Healthcare LLC ("Bayer") for the purposes of relieving the City of associated maintenance costs and improving Bayer's site circulation and security.

FISCAL IMPACTS OF RECOMMENDATION

There is no negative fiscal impact from this street vacation. Bayer has paid the appropriate fees related to processing this street vacation. In addition, the proposed street vacation is anticipated to reduce long-term City maintenance and public service costs, and increase property tax revenue due to an increase of the Bayer site.

CURRENT SITUATION AND ITS EFFECTS

The 381.23-linear-foot segment of Carleton Street proposed for vacation, as described in Exhibit A (attached) and shown on Exhibit B (attached), is a dead-end right-of-way providing access for the MacAulay Foundry site. Bayer recently acquired the Foundry and now owns all property adjacent to the subject portion of the roadway, including on the north, south, and west sides of the subject roadway segment. The segment does not provide access through the Bayer site.

Vacating this segment would eliminate the City's responsibility for ongoing maintenance of a segment by providing street access to solely one property owner, while also allowing Bayer to move the effective western terminus of Carleton Street eastward to improve site circulation and security. Bayer has committed to preserving emergency access through the subject Carleton Street segment.

BACKGROUND

On December 31, 2024, Bayer acquired the former Macaulay Foundry at 811 Carleton Street with the intent of incorporating the site into the broader Bayer Campus (where integration of operations on the Foundry parcel into the larger Bayer campus would occur by a separate discretionary approval process). As part of this integration, Bayer submitted a request to vacate the dead-end portion of Carleton Street adjacent to the site to improve internal circulation and enhance facility security.

Pursuant to Division 9, Part 3, Chapter 3 of the California Streets and Highways Code, a local agency may vacate a public right-of-way of a street or highway when the street is unnecessary for present or prospective public street uses.

The City has approved similar street vacations in past years in West Berkeley, including portions of Carleton Street, Parker Street, and Fourth Street as these roads once extended through the Bayer campus. City staff reviewed the current request and determined that the subject segment of Carleton Street meets the criteria for vacation under the Streets and Highways Code, and that the public street segment no longer serves a broader transportation function.

With respect to utilities, Bayer has agreed that the City of Berkeley and utility providers including but not limited to Pacific Gas & Electric Company (PG&E), East Bay Municipal Utility District (EBMUD), and American Telephone and Telegraph Company (AT&T) which have utilities within the Carleton Street right of way, will preserve their rights to maintain, repair, and perform other activities related to their utility infrastructure.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no negative environmental, sustainability, and climate impacts to the proposed street vacation. Reducing Carleton Street by approximately 381 feet decreases the amount of right of way available to motor vehicles, a significant number of which would be gasoline powered automobiles and associated pollutants they emit. Similarly, maintenance activities that may have negative environmental impacts, such as street repaving and concrete sidewalk replacement, would be reduced.

RATIONALE FOR RECOMMENDATION

The Public Works Department has reviewed the proposed vacation pursuant to the California Streets and Highways Code §§ 8320, 8322, 8323, 8324, and determined that the segment is "unnecessary for present or prospective public use." This segment of the right-of-way is not identified as (1) a major, collector, or local residential street in the General Plan; (2) in the Bicycle Plan as a current or future part of the City's bicycle network; (3) as a primary or secondary transit route; or (4) as an emergency evacuation route. In addition, this portion of Carleton Street affords access to only Bayer's campus, and the vacation of this portion of the street is similar to others the City has adopted in the immediate area in connection with Bayer's campus.

Staff also determined that the vacation will not impact emergency services or utility access. Bayer has agreed that the proposed western terminus of Carleton Street will

remain accessible for emergency access at the street's new westerly terminus point, as Bayer does on Parker Street.

Utility access will be maintained as said vacation shall accept and reserve therefrom, pursuant to Section 8340 of the California Streets and Highways Code, and for the benefit of the City of Berkeley, and utility agencies such as PG&E, EBMUD, and AT&T, the easement and right at any time or from time to time to construct, maintain, operate, replace, remove, renew and enlarge line of pipe, conduits, cables, poles, wires and other convenient structures, equipment and fixtures for the operation of communication lines, electrical transmission distribution lines, natural gas lines, water lines, sanitary and storm sewers, and other communication facilities, including access and the right to keep the property free from inflammable material and wood growth and protect the same from all hazards, in, upon, over and across the portion of Carleton Street so vacated and abandoned.

Approval of this vacation allows the City to avoid substantial maintenance costs on a segment of Carleton Street that currently provides access to only one property owner (Bayer), and supports economic development objectives by allowing Bayer, in the future, to integrate and secure its manufacturing and research operations, including biopharmaceutical and therapeutic innovation facilities.

ALTERNATIVE ACTIONS CONSIDERED

The alternative course of action is to deny vacation if a reason for the continued existence of this segment of Carleton Street is justified. Since the road is a dead-end, and has no further purpose as a public street, this portion of the right-of-way is unnecessary for present or prospective street purpose and is unusable for a bicycle path.

CONTACT PERSON

Ronald A. Nevels, Manager of Engineering, Engineering Division (510) 981-6439
Vincent Chen, Supervising Civil Engineer, Engineering Division (510) 981-6409

Attachment:

1: Resolution

Exhibit A: Street Vacation Area Legal Description

Exhibit B: Street Vacation Area Plat

RESOLUTION NO. ##,###-N.S.

INTENT TO VACATE A PORTION OF CARLETON STREET FROM WESTERLY
TERMINUS EXTENDING 381.23 FEET EASTERLY

WHEREAS, the vacation of Carleton Street from its westerly terminus extending 381.23 feet easterly is necessary in order to achieve the full public and private benefits to the City and adjacent property owner (Bayer Corporation); and

WHEREAS, that segment of Carleton Street to be vacated is as described in the attached Legal Description (Exhibit A) and Plat (Exhibit B); and

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley declares intention to vacate the aforesaid portion of Carleton Street in accordance with Division 9, Part 3, Chapter 3 of the California Streets and Highways Code, subject to agreement between the City and Bayer Corporation regarding certain conditions to be fulfilled by Bayer.

BE IT FURTHER RESOLVED that a public hearing of the City Council be held to consider this matter on July 22, 2025 and the City Clerk is directed to give all necessary notice.

Exhibits

A: Street Vacation Area Legal Description

B: Street Vacation Area Plat

March 5, 2025

EXHIBIT "A"

VACATION DESCRIPTION

CARLETON STREET

ALL OF THAT REAL PROPERTY SITUATE IN THE CITY OF BERKELEY, ALAMEDA COUNTY, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING A PORTION OF CARLETON STREET, AS SAID STREET BEING LABELED AS CARLTON STREET AND SHOWN ON THE "MAP OF BYRON JACKSON IRON WORKS PROPERTY" FILED ON JULY 14TH, 1909 IN BOOK 24 OF MAPS AT PAGE 84, ALAMEDA COUNTY RECORDS, STATE OF CALIFORNIA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY LINE OF CARLETON STREET WITH THE WESTERLY RIGHT OF WAY LINE OF 7TH STREET AS SHOWN ON SAID "MAP OF BYRON JACKSON IRON WORKS PROPERTY"; **THENCE** ALONG SAID NORTHERLY RIGHT OF WAY LINE OF CARLETON STREET, SOUTH 72°14'00" WEST 240.54 FEET, TO THE EASTERLY LINE OF THE PARCEL OF LAND DESCRIBED IN THE DEED TO JOHN ALLEN AND KEN DAVID, RECORDED MARCH 18, 2004 AS DOCUMENT NUMBER 2004-113321, SAID POINT ALSO BEING THE **POINT OF BEGINNING**; **THENCE** CONTINUING ALONG THE NORTHERLY RIGHT OF WAY LINE OF CARLETON STREET, SOUTH 72°14'00" WEST 381.23 FEET, TO THE WESTERLY RIGHT OF WAY LINE OF CARLETON STREET AS DESCRIBED IN ORDINANCE 6618-N.S., CITY OF BERKELEY, ALAMEDA COUNTY; **THENCE** ALONG SAID WESTERLY RIGHT OF WAY LINE OF CARLETON STREET, SOUTH 17°46'00" EAST 72.00 FEET, TO THE SOUTHERLY LINE OF THE RIGHT OF WAY OF CARLETON STREET; **THENCE** ALONG THE SOUTHERLY RIGHT OF WAY LINE OF CARLETON STREET, SOUTH 72°14'00" WEST 381.23 FEET, TO A POINT WHICH WOULD BE INTERSECTED BY A LINE DRAWN SOUTHERLY AND AT RIGHT ANGLE FROM THE POINT OF BEGINNING, SOUTH 17°14'00 EAST 72.00 FEET; **THENCE** NORTHERLY ALONG SAID LINE TO THE **POINT OF BEGINNING**.

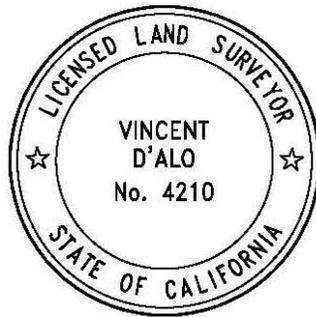
CONTAINING AN AREA OF 27,449 SQUARE FEET, MORE OR LESS.

ATTACHED HERETO IS A PLAT ENTITLED EXHIBIT "B" FOR REFERENCE ONLY.

END OF DESCRIPTION

PREPARED BY:

VINCENT J. D'ALO
LS 4210

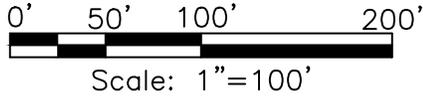


March 5, 2025
DATE

EXHIBIT B

7TH STREET
(60' PUBLIC R/W)

CARLETON STREET
(72' PUBLIC R/W)
(24 M 84)



POC

893 CARLETON STREET
054-1771-002-02

845 CARLETON STREET
054-1771-003-02

240.54'

236.40'

N17°46'00"W
72.00'

POB

811 CARLETON STREET
2004-113321
APN 054-1771-004-02

S72°14'00"W 381.23'

N72°14'00"E 381.23'

2700 7TH STREET
054-1748-002-01

PORTION OF CARLETON STREET
TO BE VACATED
27,449± SQ FT

S17°46'00"E
72.00'

LEGEND

- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- AREA TO BE VACATED
- ADJACENT PROPERTY
- PRIVATE ROAD

CARLETON STREET
(PRIVATE ROAD)
(ORDINANCE)
(6618-N.S.)



Civil Engineers
Traffic Engineers
Surveyors

Aliquot Associates, Inc.
1390 S. Main St. - Ste. 310
Walnut Creek, CA 94596
Telephone: (925) 476-2300
Fax: (925) 476-2350

Subject CARLETON STREET VACATION
 Job No. 220040.42 Scale 1"=100'
 By JPS Date: 03/05/25 Chkd. VJD
 Sheet 1 Of 1