



Office of the City Manager

PUBLIC HEARING
July 22, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Terrance Davis, Director, Public Works

Subject: Ordinance Vacating a Portion of Carleton Street from Westerly Terminus
Extending 381.23 Feet Easterly

RECOMMENDATION

1. Conduct a public hearing and upon conclusion, adopt the first reading of an Ordinance vacating 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.
2. Schedule a public hearing and second reading of the Ordinance for the July 29, 2025, Council meeting.
3. Upon conclusion of the second reading of the Ordinance, authorize the City Manager to execute a deed quit claiming that portion of the right-of-way of Carleton Street and conveying to the adjacent property owner, Bayer Healthcare LLC ("Bayer").

FISCAL IMPACTS OF RECOMMENDATION

There is no negative fiscal impact to the City of Berkeley from adopting this ordinance. Bayer has paid the appropriate fees related to processing this street vacation. In addition, the street vacation would have a positive financial impact as it will reduce long-term City maintenance and public service costs as well as increase property tax due to increase of the Bayer-owned parcel.

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. Bayer owns all properties adjacent to the proposed vacated section, including on the north, south, and west sides of the subject roadway segment. Therefore, Bayer submitted a request for the City to vacate the dead-end portion of Carleton Street to improve internal circulation and enhance facility security.

The City is currently responsible for maintaining this segment of Carleton Street. In addition, the City is liable for any incidents and accidents that may occur in this section

of the right-of-way. By vacating this segment, the City eliminates maintenance responsibility and liability while allowing Bayer to move the effective western terminus of Carleton Street eastward to improve site circulation and security.

BACKGROUND

Pursuant to Division 9, Part 3, Chapter 3 of the Streets and Highways Code of the State of California, 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 Streets and Highways Code allows the initiation of public street vacation by the City Council by the adoption of a Resolution of intention, the fixing of a date for a public hearing, and the publication and posting of notice as required therein. The Council adopted the Resolution of intention on July 8, 2025, for this purpose.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Vacating a portion of Carleton Street decreases the amount of right-of-way available to motor vehicles which reduces the amount of pollution they produce. 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) as a current or future part of the City's bicycle network in the Bicycle Plan; (3) as a primary or secondary transit route; or (4) as an emergency evacuation route. This portion of Carleton Street provides 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.

City staff also determined that the vacation will not negatively impact emergency services or utility access. Bayer will preserve the right of 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) to maintain, repair, and perform other activities related to their infrastructure in the vacated right-of-way per Section 8340 of the California Streets and Highways Code.

In addition, approval of this vacation allows the City to avoid maintenance costs and liability on a portion of Carleton Street that provides access to only one property owner (Bayer).

ALTERNATIVE ACTIONS CONSIDERED

The alternative course of action is to deny the request for street vacation. The City would continue to be responsible for maintaining this portion of Carleton Street and hold

liability for any incidents that may occur despite this area being surrounded on three sides by Bayer-owned properties.

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: Ordinance

Exhibit A: Street Vacation Area Legal Description
Exhibit B: Street Vacation Area Plat

2: Public Hearing Notice

ORDINANCE NO. –N.S.

VACATION OF A PORTION OF CARLETON STREET BETWEEN THE WESTERLY
TERMINUS OF CARLETON STREET AT THE BAYER CAMPUS AND A POINT
APPROXIMATELY 381.23 FEET EASTERLY THEREOF

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

Section 1. Vacation of Portion of Right-of-Way

That pursuant to Streets and Highways Code Section 8320 et. seq., the City of Berkeley hereby vacates the following portion of the public right-of-way of Carleton Street located at the westerly terminus of Carleton Street at the Bayer Campus, more specifically described in Exhibits A and B, on the basis of the following findings:

a. That the public right-of-way described above is a dead-end street providing street access to one single property, that being the Macaulay Foundry located at 811 Carleton Street;

b. That the owner of the Macaulay Foundry site, Bayer Healthcare LLC, has requested the City vacate that portion of Carleton Street providing access to the Macaulay Foundry site, such owner having established legal access to public streets through property located west and adjacent to it;

c. That the portion of the right-of-way described in Exhibits A and B is not identified as a present or prospective major, collector, or local residential street in the City's General Plan;

d. That the portion of the right-of-way described in Exhibits A and B is not a current or future part of the City's bicycle network in the Bicycle Plan;

e. That the portion of the right-of-way described in Exhibits A and B is not identified as a present or prospective primary or secondary transit route in the City's General Plan;

f. That the portion of the right-of-way described in Exhibits A and B is not identified as a present or prospective emergency access and evacuation route in the City's General Plan;

g. That the portion of the right-of-way described in Exhibits A and B causes the City to incur maintenance and other public services costs necessary to keep this portion safe and in good repair;

h. That the portion of the right-of-way described in Exhibits A and B is, for the foregoing reasons, unnecessary for present or prospective public street uses;

i. That there are public utility facilities that are in use, but they would not be affected

by the vacation of the public right-of-way described in Exhibits A and B because the City's quitclaim of interests reserves sufficient easement rights for the benefit of affected utility providers to maintain, repair, and otherwise to affect their utility infrastructure; and

j. That 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.

Said vacation shall except and reserve therefrom, pursuant to the provisions of Section 8340 of the Streets and Highways Code, and for the benefit of the City itself, East Bay Municipal Utility District (EBMUD), Pacific Gas & Electric Company (PG&E), and American Telephone and Telegraph Company (AT&T), the permanent, non-exclusive easement and right at any time, and from time to time, to excavate for, construct, maintain, operate, replace (of initial or any other size), remove, inspect, use, renew and enlarge public utility facilities, including but not limited to 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, stormwater infrastructure, and communication facilities, including ingress, egress, access and the right to keep the property free from inflammable material and wood growth, including without the limitation the right to trim and cut down trees and other vegetation, and protect the same from all hazards, in, upon, over and across those portions of Carleton Street so vacated and abandoned. Areas above, below, and within 8 feet of such public facilities shall be kept open and free of new buildings, structures, wells, and other obstructions. For the purposes of this section, a fence shall not constitute a new building, structure, well, or other obstruction.

Section 2. Conveyance of Property

That the City Manager and City Clerk are hereby authorized and directed to execute a quitclaim deed, conveying the City's interests in the portion of the right-of-way described in Exhibits A and B to the adjacent property owner Bayer Healthcare LLC; and

That the City Clerk is hereby authorized and directed to cause the executed quitclaim deed to be recorded in the Official Records of Alameda County, California.

Section 3. 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.

Ordinance Vacating a Portion of Carleton Street from
Westerly Terminus Extending 381.23 Feet Easterly

PUBLIC HEARING
July 22, 2025

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.

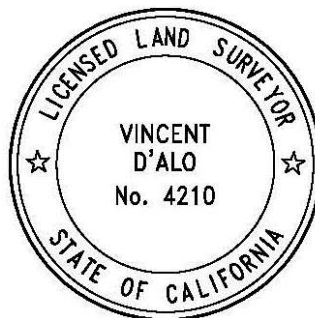
ATTACHED HERETO IS A PLAT ENTITLED EXHIBIT "B" FOR REFERENCE ONLY.

END OF DESCRIPTION

PREPARED BY:



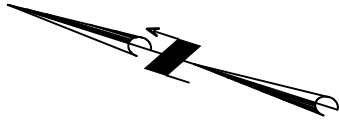
VINCENT J. D'ALO
LS 4210



March 5, 2025
DATE

EXHIBIT B

7TH STREET
(60' PUBLIC R/W)



0' 50' 100' 200'
Scale: 1"=100'

POC

893 CARLETON STREET
054-1771-002-02

845 CARLETON STREET
054-1771-003-02

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

240.54'

236.40'

N17°46'00"W
72.00'

POB

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

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

S72°14'00"W 381.23'

N72°14'00"E 381.23'

2700 7TH STREET
054-1748-002-01

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

**NOTICE OF PUBLIC HEARING
BERKELEY CITY COUNCIL**

CARLETON STREET VACATION

The public may participate in this hearing by remote video or in-person.

Bayer Healthcare, LLC (Bayer) has requested the city vacate a portion of Carleton Street public right-of-way from its westerly terminus extending 381.23 feet easterly and conveying the vacated portion to Bayer. See attached legal description and plat of the proposed vacation.

The proposed street vacation will be pursuant to Division 9, Part 3, Chapter 3 of the Streets and Highways Code of the State of California.

A public hearing and first reading of an ordinance is scheduled for the Tuesday, July 22, 2025 City Council meeting, with a second hearing and reading scheduled for Tuesday, July 29, 2025. The location of the hearings is the School District Board Room – 1231 Addison Street, Berkeley, CA 94702. City Council meetings commence at 6:00PM.

A copy of the agenda material for the July 22, 2025 hearing will be available on the City's website at <https://berkeleyca.gov/> as of July 10, 2025. A copy of the agenda material for the July 29, 2025 hearing will be available on the City's website at <https://berkeleyca.gov/> as of July 17, 2025. **Once posted, the agendas for these meetings will include links for public participation using Zoom video technology, as well as any health and safety requirements for in-person attendance.**

For further information, please contact **Vincent Chen** at vchen@berkeleyca.gov, 510-981-6409.

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, or e-mailed to council@berkeleyca.gov in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at (510) 981-6900 or clerk@berkeleyca.gov for further information.

~~~~~

I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on July 10, 2025.

---

Mark Numainville, City Clerk