

*Community Development*

39550 Liberty Street, P.O. Box 5006, Fremont, CA 94537-5006

www.fremont.gov

January 13, 2006

Douglas Treadway, Ph. D.  
 Ohlone Community College District  
 43600 Mission Boulevard  
 Fremont, CA 94539-0390

Re: Witherly Lane Private Street

Dear Doug:

This letter is to summarize the telephone conversation I had with you and Deana Walston about the history of Witherly Lane as a private street, and the need to establish Anza Pine Road as a full replacement for Witherly Lane. This issue has come to the City's attention in conjunction with two land use applications by owners of private parcels on Witherly Lane.

The City's Subdivision Ordinance states that in order to create a legal lot, the lot must have frontage on a public street or an approved private street. This requirement exists to provide for orderly development and to insure safe unimpeded access for residents and emergency services. For approved private streets, the City requires the street to be a specified width based on the number of units it serves, and also that unconditional joint access easements be provided by all owners along the street and to the City for Emergency Vehicle access purposes.

Witherly Lane was first established as a private roadway easement in 1945. This was before the City of Fremont was formed in 1956. Between 1945 and 1962, eight homes were built along Witherly Lane. In 1962 another development application was approved along with the approval of Witherly Lane as a private street recognized by the City.

The purchase of the Mission San Jose Campus of Ohlone College in 1968 did not remove the easement rights of the private property owners along Witherly Lane or remove the private street status conferred by the City of Fremont's approval. While the "Site Safety Project" constructed by Ohlone in the late 1990's physically removed the pavement from Witherly Lane, it did not change its status as the legal access for the private parcels it serves. Furthermore, no application has been filed with the City to replace Witherly Lane with Anza Pine Road as the private street serving those parcels. Until Anza Pine Road is approved as a Private Street, parcels may not be created for private sale or lease unless they have direct frontage on Mission Boulevard. Therefore, any requests by the College or private landowners on Witherly Lane to create additional lots will need to be accompanied by a private street application.



*Building & Safety*  
 510 494-4400

*Engineering*  
 510 494-4700

*Housing & Redevelopment*  
 510 494-4500

*Planning*  
 510 494-4440



If you have any additional questions about the status of Witherly Lane please call me at (510) 494-4748.

Very Truly yours,

A handwritten signature in cursive script that reads "Norm Hughes". The signature is written in black ink and is positioned above the typed name.

Norm Hughes  
City Engineer

cc: Deana Walston,  
Fred Diaz