Summary Title: Adoption of a Resolution Vacating Easements UG 41

Title: Adoption of a Resolution Summarily Vacating Public Service Easements within areas of Underground Utility District No. 41

From: City Manager

Lead Department: Administrative Services

Recommendation
Staff recommends that Council approve the attached Resolution Summarily Vacating public service utility easements within areas of Underground Utility District 41 (Attachment A).

Background
On April 25, 2005, the Council passed Resolution of Intent No. 8515 to establish Underground Utility District No. 41 (CMR:200:05). On July 11, 2005, the City Council adopted Ordinance No. 4882 to create Underground Utility District No. 41 (CMR:304:05), which provided for the removal of poles, overhead lines and associated overhead structures in areas contiguous with portions of Colorado Avenue, Middlefield Road, Oregon Expressway and Cowper Street. The removal of the overhead utility facilities and construction of replacement underground facilities has now been completed.

Discussion
The Utilities Department has completed the conversion of overhead electric service to the new underground system and the poles and lines from the old rear service areas have now been removed. The attached Resolution will vacate several of the rear pole line easements for public service utilities within certain areas of Underground Utility District 41. The easements to be vacated are shown with bold lines and X’s on the map, attached to the Resolution as Exhibit B. The vacating is in accordance with the Streets and Highways Code which authorizes the City Council to summarily vacate public service easements for utilities when the easements have been superseded by relocation and there are no other public facilities located within the easements. Staff has received confirmation from the City Utilities, Public Works and Planning departments, as well as AT&T, formerly Pacific Bell, that there are no existing utilities within the easements, and there is no plan or future need for the easements. As these easements are not necessary for any present or future use they may be summarily vacated in accordance with Section 8333 of the California Streets and Highways Code.

Resource Impact
The easement vacation processing fee of $1,675.00, as set forth in the Municipal Fee Schedule, is not applicable to City-initiated easement vacations in Underground Utility Districts.

**Policy Implications**
The recommendation does not represent any change to City policies. The Planning Department has determined that the vacation of these easements is in conformity with the Palo Alto Comprehensive Plan.

**Environmental Review**
The proposed summary vacation is categorically exempt from the review under the California Environmental Quality Act (CEQA) pursuant to Title 14 California Code of Regulations Section 15305 as a minor alteration in land use limitations.

**Attachments:**
- Attachment A: UD District 41 Resolution (PDF)

Prepared By: Martha Miller, Manager, Real Property

Department Head: Lalo Perez, Director

City Manager Approval: James Keene, City Manager
ATTACHMENT A

Recorded at no charge in accordance with Streets & Highways Code Section 8325 at the request of and when recorded return to:

CITY OF PALO ALTO/REAL ESTATE
250 Hamilton Avenue
P.O. BOX 10250
PALO ALTO, CA 94303

SPACE ABOVE LINE FOR RECORDER'S USE

A.P. No.: Various
Project No.: CEV 10/06
Project: Vacation of Easements Within Underground Utility District 41

SUMMARY VACATION RESOLUTION NO. _____

RESOLUTION OF THE COUNCIL OF THE CITY OF PALO ALTO SUMMARILY VACATING PUBLIC SERVICE EASEMENTS IN UNDERGROUND UTILITY DISTRICT 41, ENCOMPASSING AREAS WITHIN PORTIONS OF COLORADO AVENUE/MIDDLEFIELD ROAD/ ORGEON EXPRESSWAY/COWPER STREET

WHEREAS, Chapter 4 of the Public Streets, Highways and Service Easements Vacation Law, commencing with Streets and Highways Code section 8330, provides for summary vacation of streets and public service easements; and

WHEREAS, the easements were accepted by the City of Palo Alto and recorded in the Office of the Santa Clara County Recorder on the various Tract and Subdivision Maps, entitled Tract No. 365 Millwood Subdivision, Tract No. 8569 St. Mark’s Court, Tract No. 778 Bryson Park Extension, Tract No. 241 Price Tract, and Tract No. 425 Bryson Park, and;

WHEREAS, Section 8333 of the Streets and Highways Code authorizes the City Council to summarily vacate public service utilities easements which are no longer necessary when the easements have been superseded by relocation and no other public facilities are located within the easements; and
WHEREAS, on July 11, 2005, the City Council adopted Ordinance No. 4882 establishing Underground Utility District No. 41, requiring the removal of poles and overhead lines and associated overhead structures from the areas contiguous with portions of Colorado Avenue, Middlefield Road, Oregon Expressway and Cowper Street, shown on the Underground District No. 41 Boundary Map attached hereto as Exhibit B; and

WHEREAS, the City council intends to summarily vacate the Public Service Easements for Utilities as more particularly described herein in Exhibit "A" attached to this resolution and depicted with bold marks and X's on the plat map attached as Exhibit "B" to this resolution; and

NOW, THEREFORE, the City Council does hereby RESOLVE as follows:

SECTION 1. This vacation is made under the authority of California Streets and Highways Code Chapter 4 of part 3 of Division 9, commencing at Section 8330 et. seq.

1. The Public Service Easements described herein on Exhibit "A" and depicted on the plat map attached as Exhibit "B" have been superseded by relocation; and

2. No public facilities are located within the said Public Service Easements; and

3. The public utilities located within the Public Service Easements to be vacated are not needed for present or prospective public facilities; and

4. The public convenience and necessity do not require reservation of any portion of these easements; and

5. The Council has considered the Palo Alto Comprehensive Plan and ratifies the determination of the planning department that the vacation of the pipeline public service easement is in conformity with the Palo Alto Comprehensive Plan.

SECTION 2. Based upon the findings made in Section 1 of this Resolution and the provisions of Section 8333 of the Streets and Highways Code, the City Council does hereby order that the public service easements as shown on the attached map shall be and hereby are summarily vacated.

SECTION 3. The City Clerk, acting by and through the Real Property Manager, is hereby directed to record at Santa Clara County Records a certified copy of this Resolution, including the Map.
SECTION 4. The public service easements for utilities described in Exhibit "A" and depicted in the plat map attached as Exhibit "B" will no longer constitute public service easements from and after the date of recordation of the documents identified in Section 3 of this Resolution.

SECTION 5. The Council finds that the summary vacation of the public service easements is exempt from review under the California Environmental Act pursuant to Title 14 California Code of Regulations section 15305 as a minor alteration in land use limitations.

INTRODUCED AND PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

APPROVED:

City Clerk

Mayor

APPROVED AS TO FORM:

APPROVED:

Senior Asst. City Attorney

City Manager

Director of Administrative Services
LEGAL DESCRIPTION
EXHIBIT ‘A’

All that certain real property situate in the City of Palo Alto, County of Santa Clara, State of California, more particularly described as follows:

BEGINNING at the most easterly corner of Lot 1, Block 254 of Tract No. 365, entitled “MILLWOOD SUBDIVISION”, filed on February 25, 1947 in Book 12 of Maps at Page 50; thence southwesterly, along the southeasterly line of said Tract No. 365, the southeasterly line of Tract No. 1635, filed on October 18, 1956 in Book 73 of Maps at Page 24, and the southeasterly line of Tract No. 8569, entitled “ST. MARK’S COURT”, filed on March 19, 1993 in Book 645 of Maps at Pages 14 and 15 to the most southerly corner of said Tract No. 8569; thence northwesterly, along the southwesterly line of said Tract No. 8569 to the most westerly corner of Lot 1, as shown on said Tract No. 8569, said corner being the most easterly corner of that certain parcel of land as described in the Grant Deed from Robert A. Greene and Martha L. Greene, as Trustees of The Greene Family Trust, Dated September 19, 2006 to Doru C. Manolache and Simona V. Manolache, husband and wife as community property with right of survivorship, recorded on September 3, 2009 as Document No. 20421103; thence southwesterly, along the southeasterly line of said Manolache parcel and the southeasterly line of that certain parcel of land as described in the Grant Deed from Margaret E. Lee and Don Gustafson, wife and husband as community property with right of survivorship to Margaret E. Lee, or her successor, as Trustee, The Margaret E. Lee Separate Property Trust U/D September 1, 1999, recorded on October 6, 2009 as Document No. 20458100 to the most southerly corner of said Lee parcel, said point being on the northeasterly line of Cowper Street; thence southeasterly, along said northeasterly line of Cowper Street to the point of intersection with the northeasterly prolongation of the southeasterly line of that certain parcel of land as described in the Trust Transfer Deed from Thomas D. Reese, a married man, as his sole and separate property to Thomas D. Reese and Carolyn W. Reese, trustees, or their successors in interest, of the Reese Family Trust dated September 15, 1969, as amended, recorded on September 17, 2002 as Document No. 16483009; thence leaving said northeasterly line of Cowper Street, southwesterly, along said northeasterly prolongation and the southeasterly line of said Reese parcel to the most southerly corner of said Reese parcel; thence northwesterly, along the southwesterly line of said Reese parcel and the southwesterly line of Lots 1 through 8, Block 1, as shown on the map entitled “MAP OF HOME LAND SUBDIVISION”, filed on February 15, 1927 in Book “V” of Maps at Page 40 to the most westerly corner of said Lot 1, Block 1; thence northeasterly, along the northwesterly line of said Lot 1, Block 1 to the northeasterly corner of said Lot 1, Block 1, said corner being on the southwesterly line of said Cowper Street; thence northeasterly, at right angles to the alignment of Cowper Street to a point on the northeasterly line of said Cowper Street; thence northwesterly, along the
northeasternly line of said Cowper Street to a point on the southeasterly line of that certain parcel of land as described in the Trust Transfer Deed from John H. Wallbrink and Cindy S. Wallbrink, husband and wife to John H. Wallbrink and Cindy S. Wallbrink, Trustees or their successors, of The Wallbrink Revocable Trust dated February 25, 2000, as amended and restated, recorded on September 8, 2009 as Document No. 20425067; thence leaving said northeasternly line, northeasterly, along the southeasterly line of said Wallbrink parcel to a point on the southeasterly line of Lot 7, Tract No. 778 entitled "BRYSON PARK EXTENSION", filed on September 12, 1950 in Book 30 of Maps at Page 41; thence northwesterly, along the southwesterly line of said Lot 7 to the most westerly corner of said Lot 7; thence northeasterly, along the northwesterly line of said Lot 7 to the most northerly corner of said Lot 7, said point being the most easterly corner of that certain parcel of land as described in the Affidavit-Death of Trustee-Succession of Successor Trustee that states that upon death of Ilona I. Smith, Lawrence V. Smith and Karen I. Christenson became the successor Trustees under Trust Agreement dated May 12, 1992, recorded on December 22, 1999 as Document No. 15099829; thence northwesterly, along the northeasterly line of said Smith parcel to the most northerly corner of said Smith parcel; thence southwesterly, along the northwesterly line of said Smith parcel to the most easterly corner of that certain parcel of land as described in the Grant Deed from Lane T. Wallace, Successor Trustee of U/D/T dated January 29, 1993 to George Tu and Lily Tu, husband and wife, as community property with right of survivorship, recorded on March 18, 2010 as Document No. 20644817; thence leaving the northwesterly line of said Smith parcel, northwesterly, along the northeasterly line of said Tu parcel and the northeasterly line of that certain parcel of land as described in the Grant Deed from Dorothy M. Wagner, an unmarried woman to Fran Wagstaff, an unmarried woman, recorded on April 28, 1987 as Document No. 9248323 to the most northerly corner of said Wagstaff parcel, said point being on the southeasterly line of Tract No. 241 entitled "PRICE TRACT", filed on January 7, 1946 in Book 8 of Maps at Pages 12 and 13; thence southwesterly, along the southeasterly line of said Tract No. 241 to the most southerly corner of said Tract No. 241; thence leaving said southeasterly line, northwesterly, along the southwesterly line of Lots 32 and 31, Block 221 of said Tract No. 241 and the northwesterly prolongation thereof, to the centerline of Marion Avenue (50 feet wide); thence northwesterly, along the centerline of Marion Avenue to the southeasterly prolongation of the southeasterly line of that certain parcel of land described in the Grant Deed from William A. Beck and Marica L. Beck, husband and wife to William A. Beck and Marcia L. Beck, Trustees or their successors in trust under The William and Marica Beck Living Trust dated June 8, 2001 and any amendments thereto, recorded on February 5, 2009 as Document No. 20122136; thence leaving said centerline, northwesterly, along the southeasterly prolongation and the southeasterly line of said Beck parcel to the most westerly corner of said Beck parcel; thence northeasterly, along the northwesterly line of said Beck parcel to the most southerly corner of Parcel One as described in the Grant Deed from Carol Susan Stroud also know as Carole Stroud, an unmarried
woman to Carole Stroud, an unmarried woman, recorded on March 18, 2008 as Document No. 19780798; thence leaving said northwesterly line, northwesterly, along the southwesterly line of said Stroud parcel and the southwesterly line of that certain parcel of land as described in the Grant Deed from Dean Hanson, a married man and William Cox, a married man to David A. Murphy and Adrienne C. Murphy, Husband and Wife as Community Property with Right of Survivorship, recorded on June 15, 2005 as Document No. 18422986 to a point on the southeasterly line of that certain parcel of land as described in the Grant Deed from Christine D. Mattison, wife of grantee herein to John B. Aaron, a married man, as sole and separate property, recorded on April 9, 1996 as Document No. 0013249841; thence leaving said southwesterly line, southeasterly, along the southeasterly line of said Aaron parcel to the most southerly corner of said Aaron parcel; thence northwesterly, along the southwesterly line of said Aaron parcel and the southeasterly line of that certain parcel of land as described in the Grant Deed from Debra Summers to Debra Sue Summers, trustee of The Debra Summers 1999 Separate Property Trust, as amended and restated, recorded on June 15, 2009 as Document No. 20293086 to the most westerly corner of said Summers parcel; thence leaving said southwesterly line, northeasterly, along the northwesterly line of said Summers parcel to the most northerly corner of said Summers parcel; thence leaving said northwesterly line, southeasterly, along the northwesterly line of said Summers parcel to the intersection thereof with the southwesterly prolongation of the northwesterly line of that certain parcel of land as described in the Grant Deed from Jean Lucien LaLanne, as Trustee of the LaLanne Family Trust, dated April 30, 1990 to Jean Lucien LaLanne, as Trustee of The Survivor's Trust under the LaLanne Family Trust, dated April 30, 1990 and recorded on November 22, 2006 as Document No. 19199544; thence leaving said northeasterly line, northeasterly, along the southwesterly prolongation and the northwesterly line of said LaLanne parcel to the most northerly corner of said LaLanne parcel; thence leaving said northwesterly line, southeasterly, along the northeasterly line of said LaLanne parcel to the intersection thereof with the southwesterly prolongation of the northwesterly line of that certain parcel of land as described in the Certificate of Compliance recorded on March 10, 2004 as Document No. 17654060; thence leaving said northeasterly line, northeasterly, along said southwesterly prolongation and the northwesterly line of said Certificate of Compliance parcel and the northwesterly line of that certain parcel of land as described in the Grant Deed from A. R. Woolworth and Betty J. Woolworth, his wife to William Richard Brooks and Helen B. Brooks, his wife, as joint tenants, recorded on October 25, 1973 as Document No. 4636688 to the most northerly corner of said Brooks parcel; thence leaving said northwesterly line, southeasterly, along the northeasterly line of said Brooks parcel to a point on the northwesterly line of that certain parcel of land as described in the Grant Deed from Gerardus B. Staal and Elizabetha J. Staal, husband and wife as joint tenants to Gerardus B. Staal and Elizabetha J. M. Staal, Trustees, or their successor(s) as Trustee(s), of the Gerardus B. and Elizabetha J. M. Staal Revocable Trust dated August 27, 1990, and any amendments thereto, recorded on August 30, 1990 as Document No. 10640677, said line being the
northwesterly line of Lot 3, Block 1 as shown on the map entitled "MAP OF SUBDIVISION NUMBER 6, SEALE TRACT", filed on June 2, 1919 in Book "P" of Maps at Page 33; thence leaving said northeasterly line, northeasterly, along the northwesterly line of said Lot 3, Block 1 to the most northerly corner of said Lot 3, Block 1; thence leaving said northwesterly line, southeasterly, along the northeasterly line of said Lot 3, Block 1 to the most westerly corner of that certain parcel of land as described in the Grant Deed from Carl P. Leijon, John A. Leijon and Pauline S. Leijon to Palo Alto Church of the Nazarene, a California Corporation, recorded on May 22, 1972 as Document No. 4281589; thence leaving said northeasterly line, northeasterly, along the northwesterly line of said Palo Alto Church of the Nazarene parcel to the most northerly corner of said Palo Alto Church of the Nazarene parcel; thence along the northeasterly line of said Palo Alto Church of the Nazarene parcel and the southeasterly prolongation thereof to the centerline of Marion Avenue (50 feet wide); thence leaving said southeasterly prolongation, northeasterly, along the centerline of Marion Avenue to the point of intersection of said centerline of Marion Avenue with the southwesterly line of Middlefield Road, as shown on said Tract No. 241; thence leaving said centerline, southeasterly, along the southwesterly line of Middlefield Road to the most northerly corner of Lot 1 of Block 221, said Tract No. 241; thence leaving said southwesterly line, southeasterly, along the northwesterly line of said Lot 1, Block 221 to the most westerly corner of said Lot 1, Block 221; thence leaving said northwesterly line, southeasterly, along the southwesterly line of said Lot 1, Block 221 to the most southerly corner of said Lot 1, Block 221, being on the northwesterly line of Tract No. 425, entitled "BRYSON PARK", filed on June 30, 1947 in Book 13 of Maps at Pages 33 and 34; thence leaving said southwesterly line, southeasterly, along the northwesterly line of said Tract No. 425 to the most westerly corner of Lot 35, Block 221 of said Tract No. 425; thence leaving said northwesterly line, southeasterly, along the southwesterly line of said Lot 35, Block 221 and the southeasterly prolongation and the southwesterly line of Lot 7, Block 250 of said Tract No. 425 to the most southerly corner of said Lot 7, Block 250; thence leaving said southeasterly line, northeasterly, along the southeasterly line of said Lot 7, Block 250 to the most easterly corner of said Lot 7, Block 250, being on the southwesterly line of Lot 4, Block 250 of said Tract No. 425; thence leaving said southeasterly line, southeasterly, along the southeasterly line of Lots 4, 3, 2 and 1, Block 250 of said Tract No. 425 to the most southerly corner of said Lot 1, Block 250; thence leaving said southwesterly line, southeasterly, to the most westerly corner of Lot 7, Block 254 of said Tract No. 365; thence continuing southeasterly, along the southwesterly line of Lots 7, 8, and 9 to the most southerly corner of said Lot 9, Block 254, said point being a corner of Lot 2, Block 254 of said Tract No. 365; thence leaving said southwesterly line, southeasterly, along a southeasterly line of said Lot 2 to a corner of said Lot 2; thence leaving said southeasterly line, southeasterly, along a northeasterly line of Lot 2 and Lot 1, Block 254 of said Tract No. 365 to the POINT OF BEGINNING.
Said lands are shown on attached plat Exhibit ‘B’ and made a part hereof.

All maps and documents called to in this description are as filed or recorded in the office of the Recorder of Santa Clara County.

END OF DESCRIPTION

This description is based upon a compilation of record maps and deeds to define the boundaries of the City of Palo Alto Underground District No. 41 and is not based upon a field survey.

Kristina D. Comerer, PLS 6766

Date: November 11, 2010