



City of Palo Alto

City Council Staff Report

(ID # 7981)

Report Type: Consent Calendar

Meeting Date: 5/15/2017

Summary Title: Resolution Vacating Public Service Easement at 144 Kellogg Avenue

Title: Adoption of a Resolution Summarily Vacating Public Utility Easement at 144 Kellogg Avenue

From: City Manager

Lead Department: Administrative Services

RECOMMENDATION

Staff recommends that Council approve the attached Resolution Summarily Vacating a 5' wide Public Utilities Easement (PUE) at 144 Kellogg Avenue, Palo Alto, CA.

DISCUSSION

The owner of the property at 144 Kellogg Avenue has requested that the City vacate a 5' wide PUE recorded June 13, 1958 in Book 4288, at Pages 293 and 294. There are no utilities in the PUE and it has never been used. The utilities had been placed into a 12' wide private ingress and egress easement with in the driveway. The owner has granted the City a new 12' easement for public utilities. Therefore, this PUE is no longer necessary for any future public purpose. Staff has notified AT&T (formerly SBC Communications), the City Utilities, Public Works and Planning Departments of the proposal to vacate the PUE and all concur with the vacation and the 12' wide replacement PUE. Therefore, the PUE to be vacated in accordance with Section 8333 of the California Streets and Highways Code.

RESOURCE IMPACT

The easement vacation processing fee of \$1,642.00, as set forth in the Municipal Fee Schedule, was waived as a condition of the owners granting the City a new easement for public utilities in another suitable location on this property. The new grant of easement has been obtained.

POLICY IMPLICATIONS

The recommendation does not represent any change to City policies. The Planning Department has determined that the vacation of this easement is in conformity with the Palo Alto Comprehensive Plan.

ENVIRONMENTAL REVIEW

The proposed summary vacation of the public utilities easements are 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: 144 Kellogg Avenue Summary Vacation

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.: 124-16-094
Project No.: CEV 16-7
Project: Vacation of Easement
144 Kellogg Avenue

S U M M A R Y V A C A T I O N
RESOLUTION NO. _____

RESOLUTION OF THE COUNCIL OF THE CITY OF PALO ALTO SUMMARILY VACATING PUBLIC SERVICE EASEMENTS

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 easement was accepted by the City of Palo Alto and recorded in the Office of the Santa Clara County, filed for record on June 13, 1958 as Instrument No. 1569795, in Book 4288, at pages 293 through 294, 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, 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 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 Easement 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 convenience and necessity do not require reservation of any portion of these easements; and
4. The Council has considered the Palo Alto Comprehensive Plan and ratifies the determination of the planning department that the vacation of the 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 easement as shown on the attached map shall be and hereby is 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 easement 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 easement 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:

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 Easement 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 convenience and necessity do not require reservation of any portion of these easements; and
4. The Council has considered the Palo Alto Comprehensive Plan and ratifies the determination of the planning department that the vacation of the 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 easement as shown on the attached map shall be and hereby is 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 easement 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 easement 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

EXHIBIT "A"

**LEGAL DESCRIPTION
FOR: VACATION OF PUBLIC UTILITY EASEMENT**

All that certain real property situate in the City of Palo Alto, County of Santa Clara, State of California, being a portion of that land as described in that certain document entitled "Grant Deed" recorded May 24th, 2016 as Document No. 23314156 of Official Records of Santa Clara County, being more particularly described as follows:

Being the northerly one-hundred feet (100.00') of that certain Public Utility Easement dedicated in that certain document entitled "Grant of Easement" recorded January 7th, 1959 as Book 4288, Page 293 of Official Records of Santa Clara County, and being more particularly described as follows:

Beginning the northerly corner of Lot 11, Block 4 as shown on that certain Map entitled "Map No. 1 of the Seale Addition to the Town of Palo Alto" filed for record on May 12th, 1904 in Book F-3 at Page 63, Santa Clara County Records;

Thence along the northeasterly line of said Lot 11, *South 51°45'00" East, 100.00 feet* to the easterly corner of said lands described in said "Grant Deed";

Thence along the southeasterly line of said lands, *South 38°15'00" West, 5.00 feet*;

Thence *North 51°45'00" West, 100.00 feet* to the northwesterly line of said Lot 11;

Thence along said northwesterly line, *North 38°15'00" East, 5.00 feet* to the Point of Beginning.

Containing 500 square feet, more or less.

As shown on **EXHIBIT "B"** attached hereto and by this reference made a part hereof.

Legal Description was prepared by Barber Surveying, Inc. for Marinakis & Associates.

Date 13 APR 2017


Shane R. Barber LS 9097



KELLOGG AVENUE

POINT OF BEGINNING

12.0' INGRESS/EGRESS
& UTILITIES EASEMENT
[0610 O.R. 716]

LANDS OF
McCOLLOCH
[Doc No. 22379340]

GRANT
DEED
[Doc No. 23314156]

5.0' P.U.E.
[4288 O.R. 293]
PORTION TO
BE VACATED

LANDS OF
NGUYEN
[Doc No. 21295369]

LOT 4
BLOCK 4
[F-3 M 63]

LANDS OF
HASSAN
[Doc No. 23177083]



EXHIBIT "B"

VACATION OF PUBLIC UTILITY EASEMENT (P.U.E.)

MARINAKIS & ASSOCIATES

CIVIL ENGINEERING SURVEYING LAND PLANNING
285 Carlton Way (408) 656 5917
Los Gatos, California 95032 marinakiseng@gmail.com

PROJECT:
KELLOGG AVE

JOB NO.:
A160711

DATE :
APR. 2017

SCALE:
1" = 20'

SHEET

1

OF 1 SHEETS