



City of Palo Alto

City Council Staff Report

(ID # 9180)

Report Type: Consent Calendar

Meeting Date: 6/18/2018

Summary Title: Resolution Vacating Public Service Easement at 333 West Charleston and 4202 Ruthelma Avenue

Title: Adoption of a Resolution Summarily Vacating Public Utility Easement at 333 West Charleston Road and 4202 Ruthelma 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 333 West Charleston Road and 4202 Ruthelma Avenue, Palo Alto, CA (Attachment A).

DISCUSSION

The owners of the properties at 333 West Charleston Road and 4202 Ruthelma Avenue have requested that the City vacate a 5' wide PUE granted on Map of Tract No. 709 "Blossom Park, Unit No. 1", and filed for record in the Office of the Santa Clara County Recorder, on February 27, 1950, in Book 26 of Maps at Page 31. There are no utilities in the PUE and it has never been used. 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. 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, has been paid by the owner.

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: 333 West Charleston Road and 4202 Ruthelma Avenue

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.: 148-02-101 and 148-02-001
Project No.: CEV 16/02
Project: Vacation of Easement
333 West Charleston Road and
4202 Ruthelma 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 A 5-FOOT PUBLIC SERVICE EASEMENT AT 333 WEST CHARLESTON ROAD AND 4202 RUTHELMA AVENUE

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 City of Palo Alto acquired a 5-foot public service easement for utilities on the properties located at 333 West Charleston Road and 4202 Ruthelma Avenue, being a portion of Lot 1, Tract No. 709 "Blossom Park, Unit No.1", and filed of record in the Office of Recorder of the County of Santa Clara, on February 27, 1950, in Book 26 of maps at page 31, and

WHEREAS, the utilities located within this easement has never been used and there are no utilities or public improvements located within the 5-foot easement area to be vacated; and

WHEREAS, Section 8333 of the Streets and Highways Code authorizes the City Council to summarily vacate public service utility easements when the easement has never been used, has been superseded by relocation and there are no other public facilities located with the easements; and

WHEREAS, the City Council intends to summarily vacate the 5-foot public service easement for utilities, as more particularly described 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" has been superseded by relocation; and
2. No public facilities are located within the Public Service Easement; and
3. The public convenience and necessity do not require reservation or any portion of this easement; 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 utility 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 5-foot 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 Maps.

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 a public service easement 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



A.C. & H. CIVIL ENGINEERS, INC.

ASSOCIATION OF JOHN G. R. CLEGG & ALAN HUNTZINGER
2423 B Old Middlefield Way
Mountain View, CA 94043
(650) 625-9151 (408) 294-4000

PROPERTY DESCRIPTION PUBLIC UTILITY EASEMENT TO ABANDON FROM LOT 1 TRACT 709

All that property situate in the City of Palo Alto, County of Santa Clara, State of California, being a portion of Lot 1, Tract No. 709, "Blossom Park, Unit No. 1", Recorded February 27, 1950, in Book 26 of Maps at Page 31, Santa Clara County Records, and the Lands described in that certain Deed recorded in Book K 760 at Page 651, Santa Clara County Records, and being more particularly described as follows:

BEGINNING at the south corner of Lot 1, common with Lot 2, Tract No. 709, as said Lots are shown on that certain map recorded February 27, 1950, in Book 26 of maps, at Page 31, in the Office of the County Recorder of Santa Clara County; THENCE N 33° 22' 12" W, 102.58 feet to the southeast line of W. Charleston Road, 70 feet wide, as established by Deed recorded in Book 4914 at Pages 503, 504, and 511, Santa Clara County Records;

THENCE along the said southeasterly line of W. Charleston Road, N 42° 05' 30" E, 5.17 feet to the northeast edge of said Utility Easement;

THENCE along the 5 foot Public Utility Easement on Lot 1, S 33° 22' 12" E, 102.60 feet to the common line between said Lots 1 and 2;

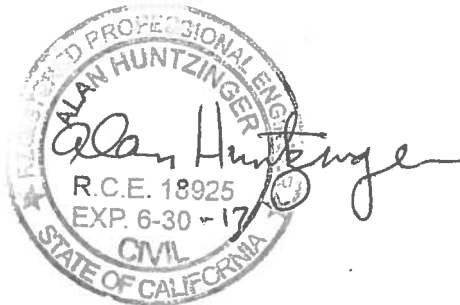
THENCE along said common line between Lots 1 and 2, S 42° 21' 40"W 5.17 feet to the Point of beginning..

Contains 513 square feet, more or less.
A.PN. 148-002-001

A plat showing the above described parcel is attached hereto and made a part hereof as exhibit "K"

This description was prepared by me or under my direction with the requirements of the Land Surveyor's Act.

Alan Huntzinger
Civil Engineer 18925
expires 06/30/17

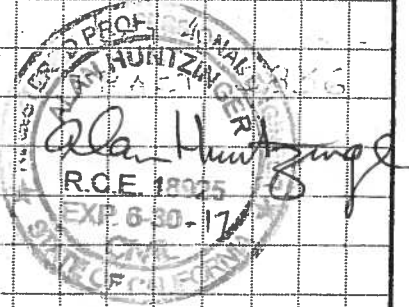
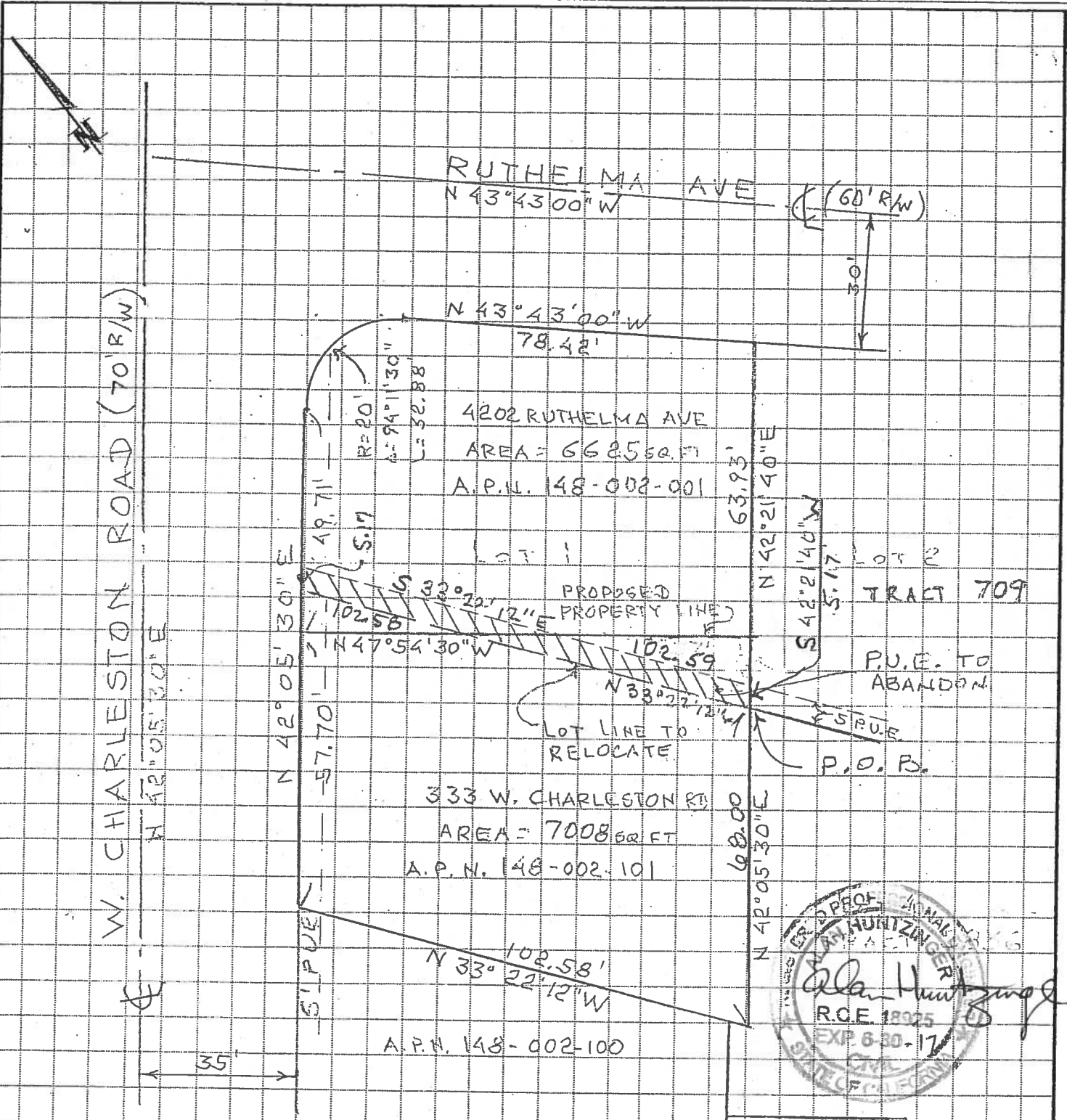


Date

EXHIBIT "I"

A.C. & H. CIVIL ENGINEERS, INC.
 2423 B Old Middlefield Way
 Mountain View, CA 94043
 (650) 327-3900 (408) 294-4000
 (650) 625-9151

JOB 16-14 4202 RUTHELMA AVE
 PALO ALTO
 SHEET NO. _____ OF _____
 CALCULATED BY EK DATE 03-2016
 CHECKED BY AH DATE 03-2016
 SCALE 1"=30'



PLAT TO ACCOMPANY EXHIBIT "I"

FIELD BOOK _____	DATE _____	LOT LINE ADJUSTMENT	APPROVED	2016	SCALE: 1"=30'
PAGE _____		5' P.U.E. TO ABANDON			
DRAWN: EK	03/	EXHIBIT "K"	ENGINEER RE. NO		
CHECKED: AH	16	CITY OF PALO ALTO	REVISION		CERT. OF COMP.
REVIEWED:					