



City of Palo Alto

City Council Staff Report

(ID # 9199)

Report Type: Consent Calendar

Meeting Date: 6/18/2018

Summary Title: Resolution Vacating Public Service Easement at 405 Curtner Avenue

Title: Adoption of a Resolution Summarily Vacating Public Utility Easement at 405 Curtner Avenue

From: City Manager

Lead Department: Administrative Services

RECOMMENDATION

Staff recommends that Council approve the attached Resolution Summarily Vacating a 5' x 20' foot wide Public Utilities Easement (PUE) at 405 Curtner Avenue, Palo Alto, CA.

DISCUSSION

The owner of the property at 405 Curtner Avenue has requested that the City vacate a 5' x 20' foot wide PUE granted on Tract No. 10278, filed for record in the Office of the Recorder of the County of Santa Clara, State of California, on June 12, 2015 in Book 884 of maps, at Pages 12 and 13. There are no utilities in the PUE and it has never been used. The owner has granted the City a new 5' x 21' foot 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 5' x 21' 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: 405 Curtner Avenue Summary Vacation

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.: 132-41-072
Project No.: CEV 16/01
Project: Vacation of Easement
405 Curtner 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'x 20' FOOT PUBLIC SERVICE EASEMENT AT 405 CURTNER 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'x 20' foot public service easement for utilities on the property located at 405 Curtner Avenue, Portion of Parcel 1 as shown upon the Map of Tract No. 10278, filed of record in the Office of Recorder of the County of Santa Clara, on June 15, 2015, in Book 884 at pages 12 and 13, 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

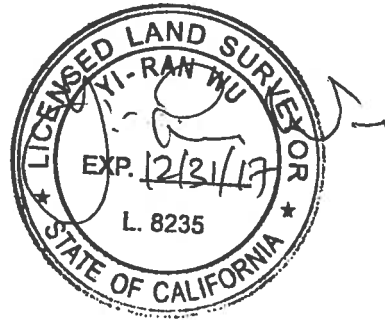
EXHIBIT "A"

**LEGAL DESCRIPTION
PUBLIC UTILITY EASEMENT TO BE VACATED**

Portion of Parcel 1 as shown upon the Map of Tract No. 10278, filed for record in the Office of the Recorder of the County of Santa Clara, State of California, on June 15th, 2015 in Book 884 of Maps at Pages 12 and 13, more particularly described as follows:

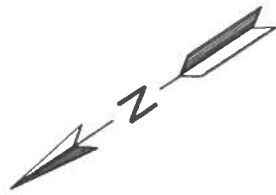
Beginning at a point on the southeasterly line of Curtner Avenue, from which point the northerly corner of Parcel 1 of said tract map bears North 33°33'00" East, 29.21'; thence along said southeasterly line of Curtner Avenue, South 33°33'00" West, 5.00'; thence South 56°27'00" East, 20.00'; thence North 33°33'00" East, 5.00'; thence North 56°27'00" West, 20.00' to the POINT OF BEGINNING.

Containing an area of 100.0 square feet, more or less.



3/28/17

Date



- P.U.E. PUBLIC UTILITY EASEMENT
- DISTINCTIVE BORDER LINES
- - - RECORD BOUNDARY LINES
- CENTER LINE
- - - EASEMENT LINE

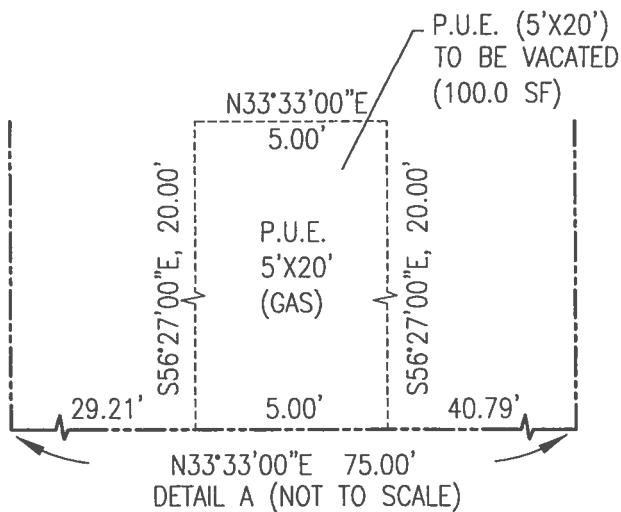
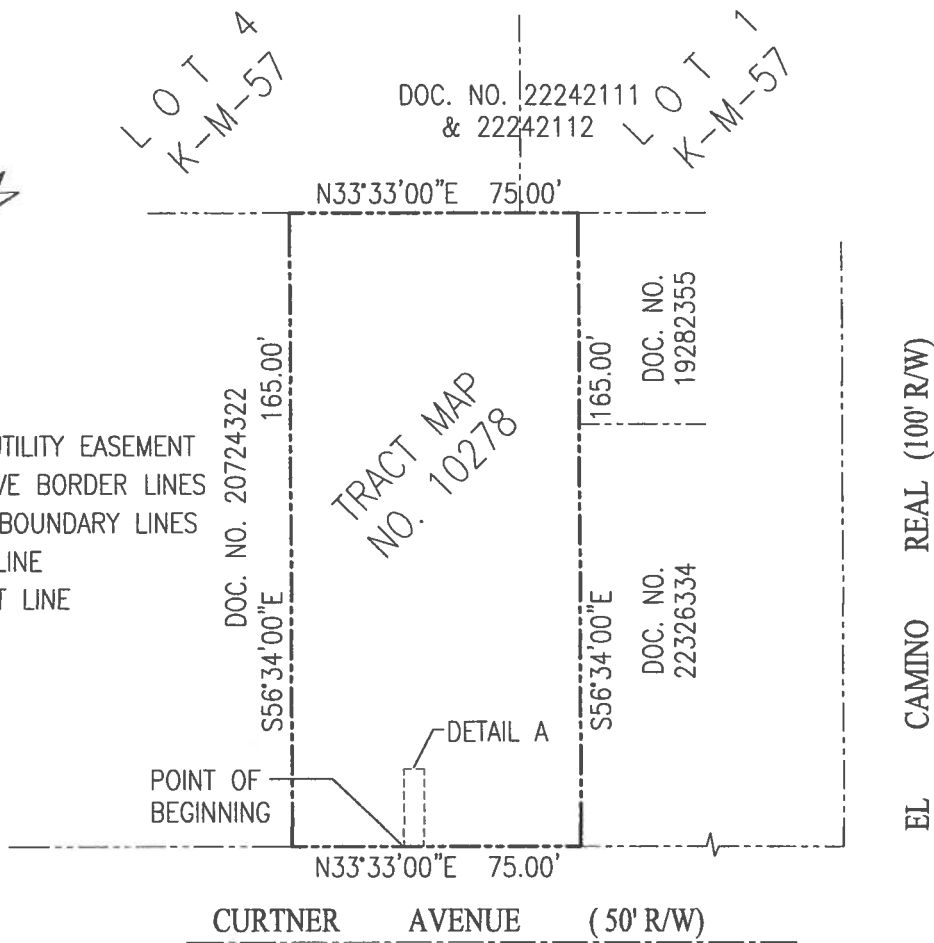


EXHIBIT "B"
 PLAT TO ACCOMPANY PROPERTY DESCRIPTION
 PUBLIC UTILITY EASEMENT TO BE VACATED
 405 CURTNER AVE., PALO ALTO, CA

DATE: FEB, 2016
 SCALE: 1"=30'
 BY: EW

W E C 2625 MIDDLEFIELD RD #658 TEL: (650) 823-6466
& ASSOCIATES PALO ALTO, CA 94306 FAX: (650) 887-1294