



City of Palo Alto

City Council Staff Report

(ID # 9244)

Report Type: Consent Calendar

Meeting Date: 6/18/2018

Summary Title: Resolution Vacating Public Service Easement at 4301-4329 El Camino Real

Title: Adoption of a Resolution Vacating Public Utility Easement at 4301-4329 El Camino Real

From: City Manager

Lead Department: Administrative Services

RECOMMENDATION

Staff recommends that Council approve the attached Resolution Summarily Vacating a 5-foot Public Utilities Easement (PUE) at 4301-4329 El Camino Real, Palo Alto, CA.

DISCUSSION

The property owner has requested that the City vacate a 5-foot wide PUE filed of record in the Office of Recorder of the County of Santa Clara, on January 26, 1978, in Book D429 at Page 717, Document number 5912052. There have never been any utilities in the PUE and the easement has never been used. Therefore, this PUE is no longer necessary for any future public propose. Staff has notified AT&T (formerly SBC Communications), the City of Palo Alto 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 property owners. Once the easement is vacated the property owner's interest will no longer be burdened by the easement.

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: 4301 - 4329 El Camino Real 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.: 148-09-026
Project No.: CEV 16/03
Project: Vacation of Easement
4301-4329 El Camino Real

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 4301-4329 EL CAMINO REAL

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 property located at 4301-4329 El Camino Real, filed of record in the Office of the Recorder of the County of Santa Clara, on January 26, 1978, in Book D429 at page 717, Document number 5912052, 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
SUMMARY VACATION
FOR PUBLIC UTILITY EASEMENT
DOCUMENT NO. 5912052 BOOK D429, PAGE 717**

BEING A SUMMARY VACATION OF REAL PROPERTY IN THE CITY OF PALO ALTO, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHERLY CORNER OF PARCEL 1, AS SHOWN ON THAT CERTAIN MAP ENTITLED "TRACT NO. 10083", RECORDED DECEMBER 28TH, 2011 IN BOOK 849 OF MAPS, PAGES 49 THROUGH 53, SAID POINT IS DISTANT 58 FEET FROM THE CENTERLINE OF EL CAMINO REAL, THENCE NORTH 42° 48' 25" WEST FOR A DISTANCE OF 254.92 FEET TO TRUE POINT OF BEGINNING;

THENCE, ALONG THE NORTHEAST RIGHT OF WAY LINE OF EL CAMINO REAL NORTH 42° 46' 13" WEST FOR A DISTANCE OF 5.00 FEET;

THENCE, LEAVING SAID RIGHT OF WAY LINE NORTH 49° 32' 38" EAST FOR A DISTANCE OF 89.78 FEET;

THENCE, NORTH 38° 33' 38" EAST FOR A DISTANCE OF 45.48 FEET;

THENCE, SOUTH 51° 26' 22" EAST FOR A DISTANCE OF 5.00 FEET;


THENCE, SOUTH 38° 33' 38" WEST FOR A DISTANCE OF 45.96 FEET;

THENCE SOUTH 49° 32' 38" WEST A DISTANCE OF 90.06 FEET TO THE POINT OF BEGINNING;

DESCRIBED EASEMENT CONTAINING AN AREA OF 678.18 SQUARE FEET, MORE OR LESS.

THE PARCEL DESCRIBED HEREON IS SHOWN ON THE ATTACHED PLAT, EXHIBIT "B" ATTACHED HERETO AND, MADE A PART HEREOF.

THIS DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYORS ACT.

5-8-18


DAVID W. BETHAM, P.L.S. NO. 7047

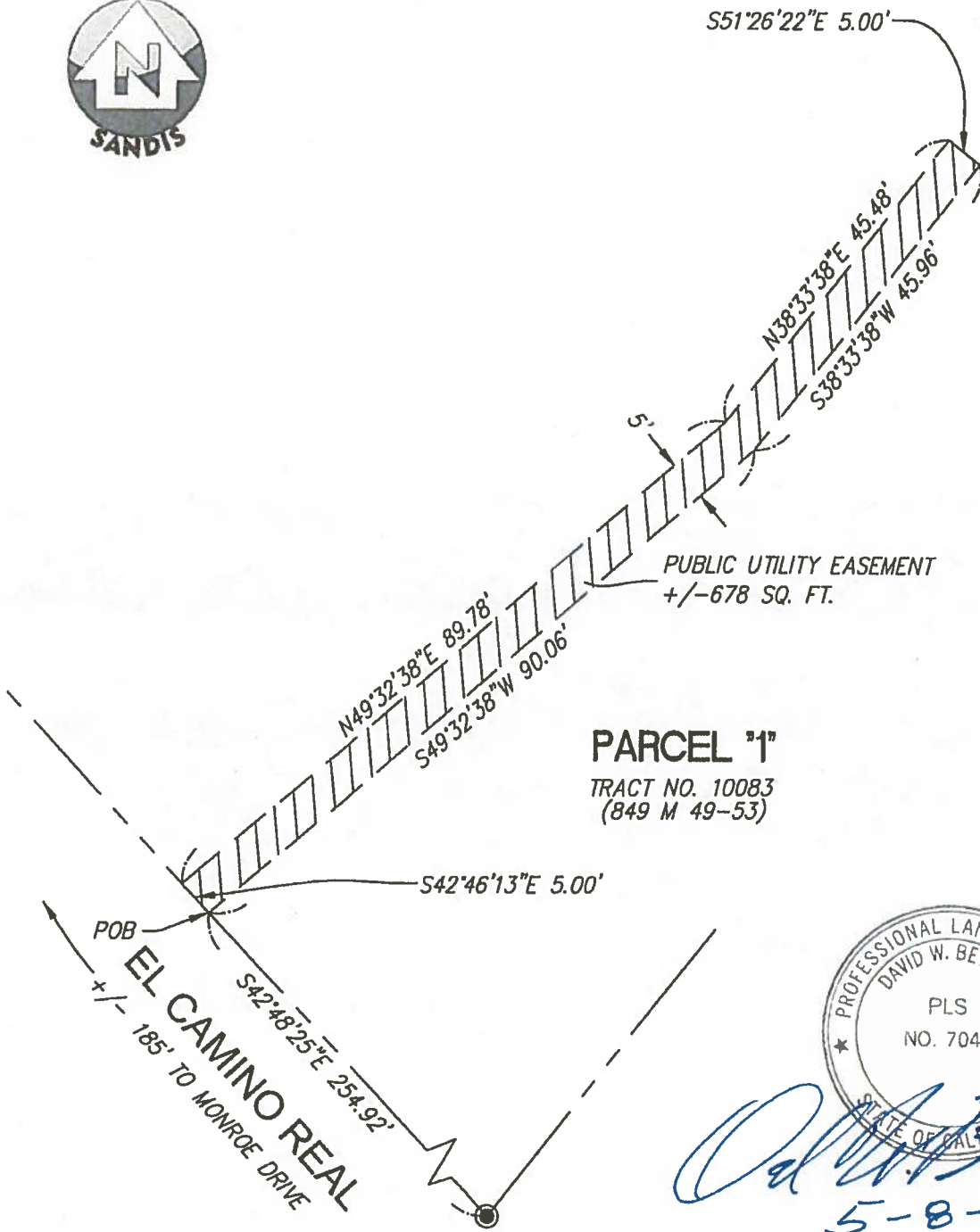
EXPIRES DECEMBER 31, 2018



SCALE: 1"=20'



S51°26'22"E 5.00'



PARCEL #1

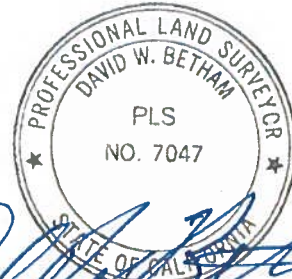
TRACT NO. 10083
(849 M 49-53)

S42°46'13"E 5.00'

POB

EL CAMINO REAL
+/- 185' TO MONROE DRIVE

S42°48'25"E 254.92'



David W. Betham
5-8-18

PLAT TO ACCOMPANY LEGAL DESCRIPTION



1936 E. Duane Ave. | Sunnyvale, CA 94085 | P. 408.636.0000 | F. 408.636.0099 | www.sandis.net

SUNNYVALE RUBYVILLE OAKLAND

DATE 7/13/2015

SCALE 1"=20'

DRAWN BY RDV

APPROVED BY BHS

DRAWING NO. 207290

EXHIBIT B

SUMMARY VACATION

4301-4329 EL

CAMINO REAL

PALO ALTO

SHEET

1

CA OF 1 SHEETS

7/20/15 2:41 PM - 2015/07/13 10:00 AM