



City of Palo Alto

City Council Staff Report

(ID # 9711)

Report Type: Consent Calendar

Meeting Date: 11/5/2018

Summary Title: Resolution Vacating Public Service Easement at 3001 El Camino Real

Title: Adoption of a Resolution Summarily Vacating Public Utility Easement at 3001 El Camino Real

From: City Manager

Lead Department: Administrative Services

RECOMMENDATION

Staff recommends that City Council approve the attached Resolution Summarily Vacating a 5-foot Public Utilities Easement (PUE) at 3001 El Camino Real.

DISCUSSION

The property owners have requested that the City vacate the 5-foot public utility easement (PUE) for electric facilities located on their property at 3001 El Camino Real. The PUE was filed for record in the Office of the Recorder of the County of Santa Clara, State of California, on December 20, 1965, in Book 7217 of Official Records at Pages 132-134 as document 2978789. The owner has granted the City two (2) new easements 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 two (2) replacement PUEs. The PUE is to be vacated in accordance with Section 8333 of the California Streets and Highways Code.

RESOURCE IMPACT

The easement vacation processing fee of \$1,683, as set forth in the Municipal Fee Schedule, was waived as a condition of the owners granting the City new easement for public utilities in another suitable location on this property. The new grant of easement is shown on the parcel map, which shall be approved prior to building permit issuance.

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 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: 3001 El Camino Real Summary Vacation

Attachments:

- Attachment A: Resolution Vacating a 5' Public Service Easement at 3001 El Camino Real

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.: 132-37-056
Project No.: CEV
Project: Vacation of Easement
3001 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 3001 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 5-Foot easement was accepted by the City of Palo Alto and recorded in the Office of the Santa Clara County, filed for record on December 20, 1965 as instrument No. 2978789, in Book 7217, at pages 132 through 134, 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:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

APPROVED:

City Clerk

Mayor

APPROVED AS TO FORM:

APPROVED:

Senior Asst. City Attorney

City Manager

Director of Administrative
Services

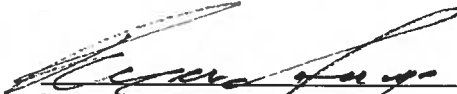
EXHIBIT "A"
LEGAL DESCRIPTION
FOR: PUBLIC UTILITY EASEMENT VACATION

That certain five (5.00) foot wide Public Utility Easement situate in the City of Palo Alto, County of Santa Clara, State of California, as described in that certain Grant of Easement recorded on December 20, 1965 in Book 7217 at Page 132 as Instrument No. 2978789 of Official Records, Santa Clara County.

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

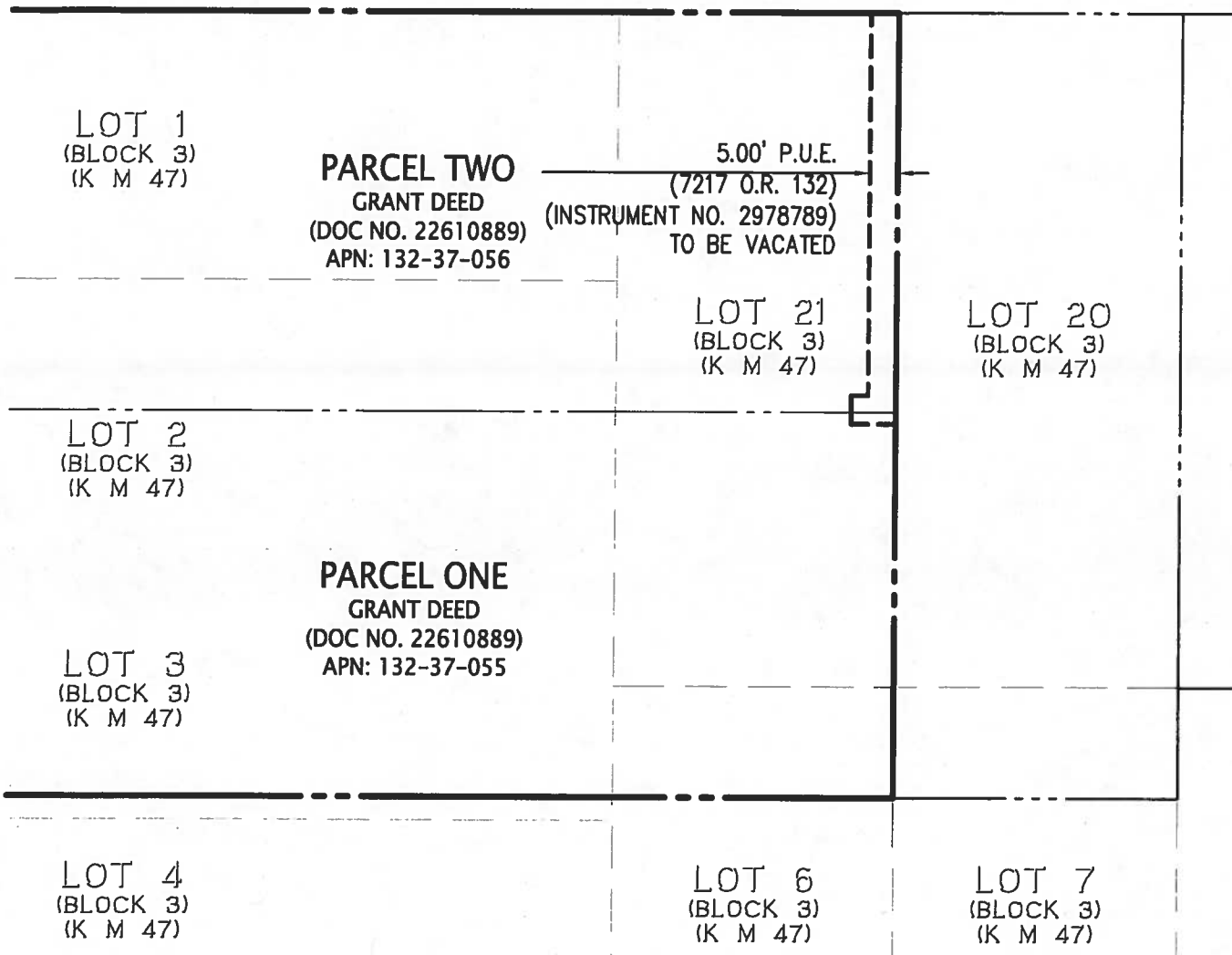
Legal Description prepared by Kier & Wright, Civil Engineers & Surveyors, Inc.

Date 10-10-18


Ryan M. Amaya, LS 8134

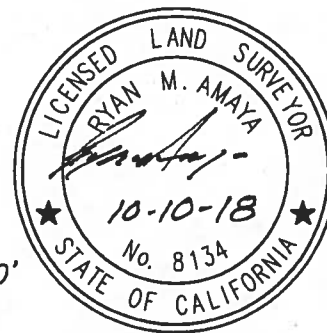
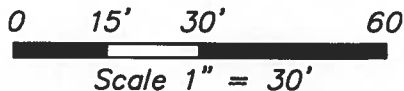


OLIVE AVENUE
(FORMERLY PALM AVENUE, 60' WIDE)



LEGEND

- DISTINCTIVE BORDER
- LOT LINE
- ADJACENT PROPERTY LINE
- FORMER PROPERTY LINE
- EASEMENT LINE
- OFFICIAL RECORDS
- PUBLIC UTILITY EASEMENT



PLAT TO ACCOMPANY LEGAL DESCRIPTION
FOR: PUBLIC UTILITY EASEMENT VACATION

PALO ALTO

CALIFORNIA

DATE OCT., 2018

SCALE 1" = 30'

DR. BY EK

JOB A10128-2

SHEET NO.

EXHIBIT "B"



KIER & WRIGHT
CIVIL ENGINEERS & SURVEYORS, INC.
3350 Scott Boulevard, Building 22 (408) 727 6665
Santa Clara, California 95054 fax (408) 727 5641

1 OF 1