



City of Palo Alto

City Council Staff Report

(ID # 11728)

Report Type: Consent Calendar

Meeting Date: 11/30/2020

Summary Title: Easement Vacation at 1201 Parkinson Avenue

Title: Adoption of a Resolution Vacating Public Utility Easement at 1201 Parkinson Avenue

From: City Manager

Lead Department: Administrative Services

Recommendation

Staff recommends that Council adopt the attached Resolution Summarily Vacating a 10-foot wide Public Utilities Easement (PUE) at 1201 Parkinson Avenue, Palo Alto, CA.

Discussion

The owner of the property at 1201 Parkinson Avenue has requested that the City vacate a 10-foot wide public utility easement (PUE), filed of record in the Office of Recorder of the County of Santa Clara, on November 22, 1946, in the Book 1407 at page 272. No utilities have ever been installed by the City in the PUE area, and after review, City staff has determined that the area would not be used for this purpose. Therefore, this PUE is no longer necessary for any future public purpose. City Utilities, Public Works, and Planning departments have all reviewed the proposal to vacate the PUE and concur with the vacation. Therefore, the PUE may be vacated in accordance with the summary proceeding authorized in Section 8333 of the California Streets and Highways Code.

Resource Impact

The easement vacation processing fee of \$1,811 as set forth in the Municipal Fee Schedule of FY2021 has been paid by the property 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 easement is categorically exempt from 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: Easement - 1201 Parkinson Avenue Vacation Resolution

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.: 003-44-037
Project No.: CEV
Project: Vacation of Easement
1201 Parkinson 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 Clerk-Recorder on November 22, 1946 as Recording No. 433754, in Book 1408, on page 272; and

WHEREAS, 60-feet of this 10-foot wide utilities easement has never been used and there are no utilities or public improvements located within the 60-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 utilities easements when the easement has never been used, 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 Easement 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" has never been used; 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 the Santa Clara County Clerk-Recorder's Office 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:

City Attorney or designee

City Manager

Director of Administrative
Services

EXHIBIT "A"
LEGAL DESCRIPTION FOR
PUBLIC UTILITY EASEMENT ABANDONMENT
1201 PARKINSON AVE, PALO ALTO, CALIFORNIA

ALL THAT CERTAIN REAL PROPERTY, SITUATE IN THE CITY OF PALO ALTO, COUNTY OF SANTA CLARA, STATE OF CALIFORNIA, BEING A PORTION, THE LANDS OF MANGALINDAN AND LYON AS DESCRIBED IN DEED DOCUMENT NUMBER 24494290, OFFICIAL RECORDS OF SANTA CLARA COUNTY RECORDS, AS SHOWN ON EXHIBIT "B" MADE A PART HEREOF, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THE NORTHERLY RIGHT OF WAY LINE OF PARKINSON AVENUE (60 FEET WIDE) AND THE EASTERLY RIGHT OF WAY PROPERTY LINE OF WILSON STREET 60 FEET WIDE (NOW ABANDONED PER 1408 O.R. 272);

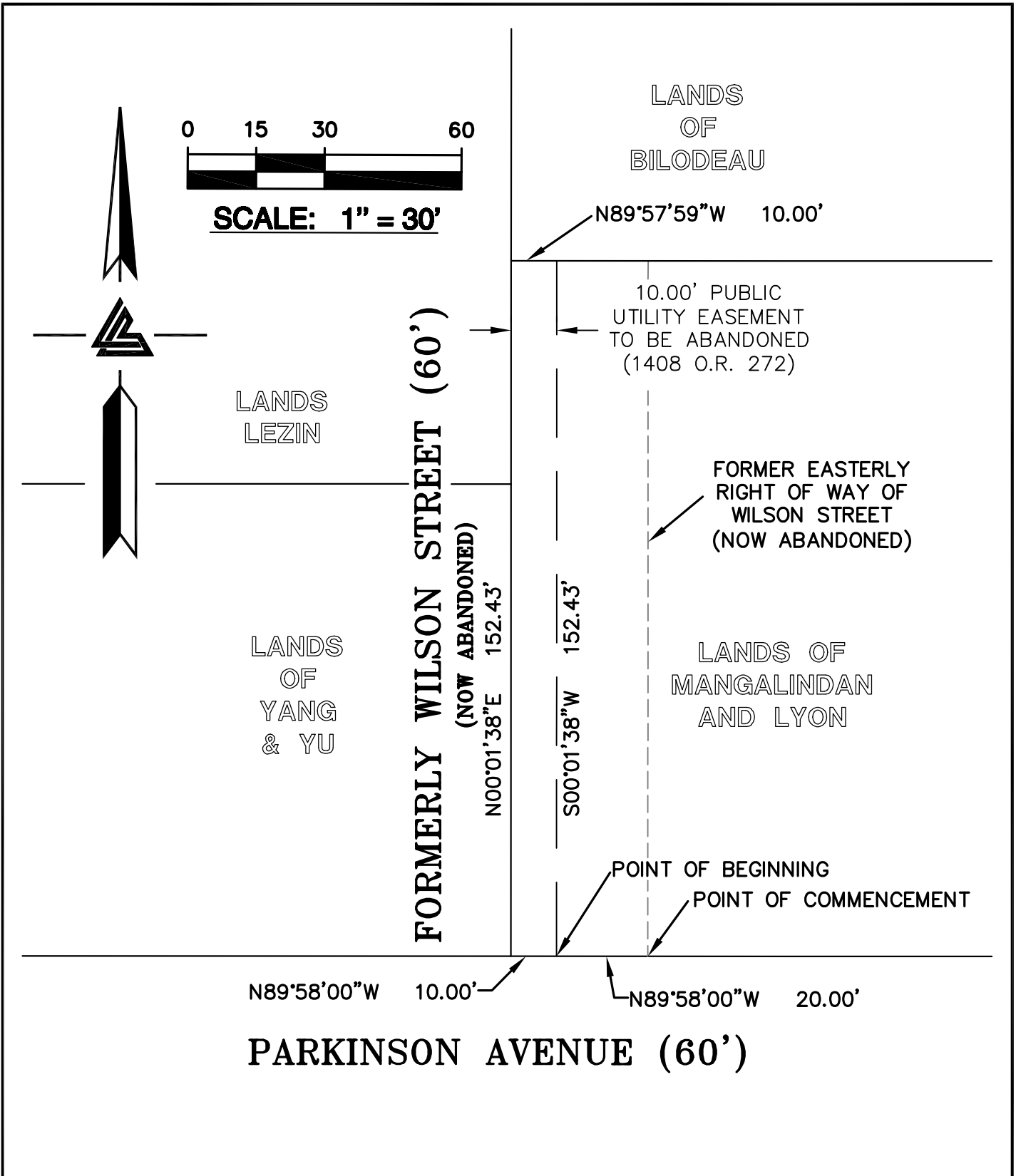
THENCE WESTERLY ALONG TH PROLONGATION OF THE NORTHERLY RIGHT OF WAY LINE OF PARKINSON AVENUE, NORTH 89°58'00" WEST 20 FEET, TO THE **TRUE POINT OF BEGINNING**;

THENCE WESTERLY ALONG SAID PROLONGATION NORTH 89°58'00" WEST 10 FEET TO THE FORMER CENTERLINE OF WILSON STREET (NOW ABANDONED) AND THE WESTERLY LINE OF SAID LANDS;

THENCE, NORTHERLY ALONG SAID FORMER CENTERLINE AND SAID LANDS, NORTH 00°01'38" EAST 152.43 FEET, TO THE NORTHEAST CORNER OF SAID LANDS;

THENCE, LEAVING SAID LINE AND ALONG THE NORTHERLY LINE OF SAID LANDS, SOUTH 89°57'59" EAST 10.00 FEET;

THENCE, LEAVING SAID LINE, SOUTH 00°01'38" WEST 152.43 FEET TO THE **POINT OF BEGINNING**.



LEA & BRAZE ENGINEERING, INC.

CIVIL ENGINEERS • LAND SURVEYORS

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SACRAMENTO REGION
 3017 DOUGLAS BLVD, # 300
 ROSEVILLE, CA 95661
 (P) (916) 966-1338
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EXHIBIT "B"
PLAT TO ACCOMPANY LEGAL
DESCRIPTION FOR PUBLIC
UTILITY ABANDONMENT
EASEMENT

Closure Calculations for Easement Abandonment

North: 5218.9158' East: 10794.5363'

Segment #1 : Line

Course: N89° 58' 00"W Length: 10.00'

North: 5218.9216' East: 10784.5363'

Segment #2 : Line

Course: N00° 01' 38"E Length: 152.43'

North: 5371.3516' East: 10784.6087'

Segment #3 : Line

Course: S89° 57' 59"E Length: 10.00'

North: 5371.3457' East: 10794.6087'

Segment #4 : Line

Course: S00° 01' 38"W Length: 152.43'

North: 5218.9157' East: 10794.5363'

Perimeter: 324.86' Area: 1524.30 Sq. Ft.

Error Closure: 0.0000 Course: S00° 02' 01"W

Error North: -0.00005 East: -0.00000

Precision 1: 324860000.00