

COUNCIL

Agenda # \_\_\_\_\_

MEETING OF September 14, 2004



## **STAFF REPORT**

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### **Resolution Approving the Summary Vacation of a Portion of Green Court Fronting Lot 115 and a Portion of Lot 116 in Block 122 of Belmont Country Club Subdivision No. 10 (APN 043-072-740) Property East of 51 Ralston Ranch Road**

Honorable Mayor and City Council

#### **Summary**

The property owners of Lot 115 and a portion of Lot 116 in Block 122 of Belmont Country Club Subdivision No. 10 have requested that the City vacate a portion of public right-of-way fronting their property (APN 043-072-740). These lots are now in Ralston Ranch Subdivision. Staff recommends that Council adopt the resolution approving the summary vacation of a portion of Green Court in front of the subject property.

#### **Background and Discussion**

The applicants, Karl Deneke and Neusi Deneke, have requested that the Public Works Department process an application for the vacation of a portion of the public right-of-way fronting their property at Lot 115 and a portion of Lot 116 in Block 122 of Belmont Country Club Subdivision No. 10.

The property was originally subdivided in 1927 as a part of the Belmont Country Club No. 10. At the time of subdivision, the developer dedicated Green Court for public use but the offer of dedication was rejected by the County Board of Supervisors. The County later annexed the subdivision and the property to the City.

On September 25, 1995, a map for the Ralston Ranch 20 Lot Subdivision was filed with the County. Green Court was realigned and renamed as Ralston Ranch Road by the new subdivision. However, the Ralston Ranch Road right-of-way line is slightly different from the right-of-way line for Green Court. A portion of Green Court remains between the subject property and Ralston Ranch Road, which is not required for public use.

The applicants have requested that the City abandon the excess portion of Green Court fronting their property. The applicants have contacted the utility companies operating in Belmont (SBC, ComCast, PG&E, Mid-Peninsula Water District, and City of Belmont Maintenance Division) and have received written confirmation that they do not have utilities within these easements and that they do not have objection to the summary vacation.

Section 66477.2 (a) of the Subdivision Map Act states that a right-of-way that was rejected when the final map was filed shall remain open and the legislative body may by resolution at any later date, rescind their action and accept the easement without further action by the subdivider. Section 66477.2 (c) also states that any right-of-way that was rejected can be abandoned in the same manner as prescribed for the summary vacation of streets by Part 3 of Division 9 of the Street and Highway Codes.

The subject portion of right-of-way has not been used for public purposes for the preceding five years and that there are no in place utilities that are in use that would be affected by the vacation. Staff recommends that the Council approve the summary vacation per the provisions of “Section 8333 Easements,” subparagraph (a) of Chapter 4 of Part 3 of Division 9 of the Streets and Highways Code.

### **Fiscal Impact**

There is no fiscal impact of this action. The applicants have paid the appropriate fee for the abandonment process.

### **Recommendation**

It is recommended the City Council adopt the resolution approving the summary vacation of a portion of Green Court fronting the property at Lot 115 and a portion of Lot 116 in Block 122 of Belmont Country Club Subdivision No. 10, property east of 51 Ralston Ranch Road.

### **Alternatives**

1. Refer back to staff for further evaluation.
2. Deny the request.

### **Attachments**

1. Resolution
2. Plat map showing the location of the street vacation
3. Exhibit ‘A’ and ‘B’

Respectfully submitted,

Gilbert Yau, PE  
Senior Civil Engineer

Raymond E. Davis III, PE, PTOE  
Director of Public Works

Daniel Rich  
Interim City Manager

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION APPROVING THE SUMMARY VACATION OF A PORTION OF  
GREEN COURT FRONTING LOT 115 AND A PORTION OF LOT 116 IN BLOCK 122  
OF BELMONT COUNTRY CLUB SUBDIVISION NO. 10 (APN 043-072-740)  
PROPERTY EAST OF 51 RALSTON RANCH ROAD**

WHEREAS, that certain map entitled, “Map of Subdivision No. 10 Belmont Country Club Properties, Belmont, San Mateo County, California” filed in the office of the County Recorder of the County of San Mateo, State of California on March 2, 1927 in Book 15 of Maps at Pages 29 through 38, showing Green Court as a right-of-way fronting Lot 115 and 116 in Block 122 of said map; and,

WHEREAS, the dedication of Green Court was rejected by the legislative body at the time the subdivision map was approved; and,

WHEREAS, another map entitled, “Ralston Ranch 20 Lot Subdivision, Belmont, San Mateo County, California” was filed in the office of the County Recorder of the County of San Mateo, State of California on September 25, 1995 in Book 125 of Maps at Pages 89 and 90, showing Ralston Ranch Road as the new right-of-way fronting the subject property; and,

WHEREAS, the new Ralston Ranch Road right-of-way line is different from the right-of-way line for Green Court; and,

WHEREAS, the owners of the property at Lot 115 and a portion of Lot 116 in Block 122 of Belmont Country Club Subdivision No. 10 have requested the City to summary vacate the portion of Green Court between Ralston Ranch Road and their property; and,

WHEREAS, the Council is authorized to summarily vacate a right-of-way that was rejected when the subdivision map was filed, pursuant to and in accordance with the provisions of Section 66477.2 of the Subdivision Map Act; and,

WHEREAS, the Council hereby determines that the public convenience and necessity does not require the reservation of a portion of the public right-of-way fronting the subject property between the old Green Court right-of-way line to the Ralston Ranch Road right-of-way line; and,

WHEREAS, the Council finds that the public right-of-way has not been used for public purposes for the preceding five consecutive years and that there are no in place public utility facilities that are in use that would be affected by the vacation.

NOW, THEREFORE, BE IT RESOLVED that:

1. The City Council does hereby order that under the provisions of “Section 8333 Easements,” subparagraph (a) of Chapter 4 of Part 3 of Division 9 of the Streets and Highways Code, a portion of Green Court fronting Lot 115 and a portion of Lot 116 in Block 122 of Subdivision No. 10 Belmont Country Club in the City of Belmont is hereby vacated. All that real property situated in the City of Belmont, County of San Mateo, State of California, as described in Exhibit ‘A’ and depicted in Exhibit ‘B’ attached.

2. From and after the date of recordation of this resolution, the vacated portion of Green Court will no longer constitute a public right-of-way.

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I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of Belmont at a regular meeting thereof held on September 14, 2004.

AYES, COUNCILMEMBER(S): \_\_\_\_\_

NOES, COUNCILMEMBER(S): \_\_\_\_\_

ABSTAIN, COUNCILMEMBER(S) \_\_\_\_\_

ABSENT, COUNCILMEMBER(S): \_\_\_\_\_

\_\_\_\_\_  
Clerk of the City of Belmont

APPROVED:

\_\_\_\_\_  
Mayor of the City of Belmont

PORTION OF GREEN COURT  
TO BE VACATED

043 072 740

RALEIGH RANCH RD (FORMERLY GREEN CT)



SCALE: 1" = 100'

VICINITY MAP  
SUMMARY VACATION OF  
A PORTION OF GREEN CT



CITY OF BELMONT  
PUBLIC WORKS

ABANDONMENT OF A PORTION OF GREEN COURT

A portion of Green Court adjoining Lot 115 and a portion of Lot 116 in Block 122 as shown on that certain map entitled "MAP OF SUBDIVISION NO. 10 BELMONT COUNTRY CLUB PROPERTIES BELMONT, SAN MATEO COUNTY, CALIFORNIA", filed in the office of the County Recorder of San Mateo County, State of California on March 24, 1927 in Book 15 of Maps at pages 29 to 38 inclusive, more particularly described as follows:

Beginning at the point of intersection of the Southeasterly line of said Lot 115 with the Northeasterly line of Green Court and running thence from said point of beginning South 28°26'21" West along the Southwesterly prolongation of the Southeasterly line of said Lot 115 for a distance of 20.96 feet to the Northerly line of Ralston Ranch Road as shown on the map of "Ralston Ranch 20 Lot Subdivision" filed in the office of the County Recorder of San Mateo County, State of California on September 25, 1995 in Volume 125 of Maps at pages 89 & 90; thence Westerly along said Northerly line of Ralston Ranch Road along the arc of a curve to the left, the center of which bears South 21° 27'30" West, having a radius of 140.00 feet, a central angle of 23°29'43", and an arc distance of 57.41 feet to the intersection thereof with the southerly prolongation of the Westerly line of Parcel "B" as shown on that certain "Record of Survey" filed in the office of the County Recorder of San Mateo County, State of California on April 21, 1998 in Volume 18 of Record of Survey at page 45, thence Northerly along said prolongation 11.25 feet to the Northerly line of Green Court herein above referred to ; thence Easterly along said Northerly line of Green Court on the arc of a curve to the right, the center of which bears South 24°15'00" East, having a radius of 75.00 feet, a central angle of 52°41'05", and an arc distance of 68.96 feet to the point of beginning.

Containing 1,177 Square Feet, more or less.



