



## **Staff Report**

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RESOLUTION APPROVING THE SUMMARY VACATION OF A PORTION OF A 7-FOOT PUBLIC UTILITY EASEMENT OVER AND ACROSS A PORTION OF LOTS 11 & 12, BLOCK 21, TOWN OF BERESFORD, SUBDIVISION NO. 2, ALSO KNOWN AS 325 OLD COUNTY ROAD (APN 040-261-350 & 040-261-360)

Honorable Mayor and Council Members:

### **Summary**

The property owner at 325 Old County Road has requested that the City vacate a portion of a 7-foot public utility easement that runs over and across the property at 325 Old County Road (APN 040-261-350 & 040-261-360). Staff recommends that Council adopt the resolution approving the summary vacation of the 7-foot public utility easement.

### **Background**

The applicant, Kerry W. LeVan, has requested that the Public Works Department process an application for the vacation of a portion of a 7-foot public utility easement that runs over and across the property at 325 Old County Road.

The property at 325 Old County Road consists of two lots that were originally subdivided in October 1927 as a part of the Town of Beresford, Subdivision No. 2. The 7-foot public utility easement running at the rear of the two lots was dedicated to the public with the original subdivision map.

In 2004, the property owner submitted an application for conditional use permit and design review for a new 1,440 square foot single story storage/office building on the vacant portion of the property that is also developed with a 1,748 square foot commercial building. The project includes reconfiguration and redesign of parking and landscaping elements of the site to accommodate the new storage building. The project was approved by the Planning Commission on July 19, 2005. An extension was granted in October 2006, extending the entitlements until July 19, 2007.

### **Discussion**

In October 2006, the property owner submitted a building application for the new storage building. The construction drawings showed an easement running along the rear of the property where the proposed structure would be built. Staff discussed with the applicant moving the new addition to another location. However, it was determined that the footprint of the structure would have to be drastically reduced, making the new addition unusable for its intended purposes.

The applicant contacted the utility companies operating in Belmont (Qwest Communications, Mid-Peninsula Water, PG&E, AT&T, County of San Mateo, and City of Belmont Maintenance Division) and has received written confirmation that there is no public utility within this easement. An existing private sewer lateral within the easement will be relocated and maintained by the property owner.

Staff recommends the Council approve the summary vacation of this public utility easement pursuant to the provisions of Chapter 4, Part 3 of Division 9, of the California Streets and Highway Code. The portion of the public utility easement is no longer needed by the City and has not been used for utility purposes for more than five consecutive years.

### **General Plan/Vision Statement**

There is no impact to the general plan.

### **Fiscal Impact**

There is no fiscal impact. The applicant has paid the appropriate fee for the abandonment process.

### **Public Contact**

The Council agenda was posted.

### **Recommendation**

It is recommended the City Council adopt the resolution approving the summary vacation of a portion of the 7-foot public utility easement.

### **Alternatives**

1. Take no action.
2. Refer back to staff for further information.
3. Deny approval.

**Attachments**

- A. Resolution
- B. Exhibit A - Legal Description
- C. Exhibit B - Plat map showing the location of the easement
- D. Vicinity Map

Respectfully submitted,

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Gilbert Yau, P.E.  
Senior Civil Engineer

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

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Jack R. Crist  
City Manager

**Staff Contact:**

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

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**WHEREAS**, certain map entitled, "Town of Beresford No. 2" filed in the office of the County Recorder of the County of San Mateo, State of California in October 1927 in Book 16 of Maps at Page 41, shows a 7-foot public utility easement along the northeasterly line of Lots 11 and 12 in Block 21 of said map; and,

**WHEREAS**, the Council is authorized to summarily vacate a public service easement pursuant to and in accordance with the provisions of "Section 8333 Easements," subparagraph (a) of Chapter 4, Part 3 of Division 9, of the Streets and Highways Code of the State of California; and,

**WHEREAS**, the Council hereby determines that the public convenience and necessity does not require the reservation of any portion of the public utility easement; and,

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

**NOW, THEREFORE, BE IT RESOLVED that:**

1. The City Council of the City of Belmont does hereby order that under the provisions of "Section 8333 Easements," subparagraph (a) of Chapter 4, Part 3 of Division 9, of the Streets and Highways Code, a portion of the 7-foot public utility easement along the northeasterly property line of Lots 11 and 12, Block 21 in the Town of Beresford Subdivision No. 2 in the City of Belmont is hereby vacated.
2. All 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.
3. From and after the date of recordation of this resolution, the vacated 7-feet will no longer constitute a public utility easement.

\* \* \* \* \*

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 February 27, 2007 by the following vote:

AYES, COUNCILMEMBERS: \_\_\_\_\_

NOES, COUNCILMEMBERS: \_\_\_\_\_

ABSTAIN, COUNCILMEMBERS: \_\_\_\_\_

ABSENT, COUNCILMEMBERS: \_\_\_\_\_

\_\_\_\_\_  
CLERK of the City of Belmont

APPROVED:

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MAYOR of the City of Belmont