



## **Staff Report**

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RESOLUTION APPROVING THE SUMMARY VACATION OF A PORTION OF A 7-FOOT SEWER EASEMENT OVER AND ACROSS A PORTION OF LOT 39, BLOCK 104 IN THE BELMONT COUNTRY CLUB PROPERTIES SUBDIVISION NO. 10 – 2932 SAN JUAN BOULEVARD (APN 043-173-330)

Honorable Mayor and Council Members:

### **Summary**

The property owner at 2932 San Juan Boulevard has requested that the City vacate a portion of a 7-foot sewer easement that runs over and across their property at 2932 San Juan Boulevard (APN 043-173-330). Staff recommends that Council adopt the resolution approving the summary vacation of a portion of the 7-foot sewer easement.

### **Background**

The applicant, Brian Hill, has requested that the Public Works Department process an application for the vacation of a portion of a 7-foot sewer easement that runs over and across his property at 2932 San Juan Boulevard.

The property at 2932 San Juan Boulevard was originally subdivided in 1927 as a part of the Belmont Country Club Subdivision No.10. A 7-foot sewer easement running along the east property line was dedicated to the public with the original subdivision map.

### **Discussion**

In 2007, the property owner applied for a permit to construct a single family residence at 2932 San Juan Boulevard. The applicant's drawings show the new roof will overhang two feet onto an existing sewer easement. After investigation, it was determined that there is no sewer line constructed within this easement.

A portion of the sewer easement is no longer needed by the City and has not been used for utility purposes for more than five consecutive years. The summary vacation of the sewer easement is pursuant to the provisions of Chapter 4, Part 3 of Division 9 of the California Streets and Highway Code. The applicant has also obtained written confirmation from the City's Maintenance Division that they do not have utilities through this easement and will not require one in the future.

**General Plan/Vision Statement**

No impact.

**Fiscal Impact**

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

**Public Contact**

Public contact consisted of posting the City Council agenda.

**Recommendation**

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

**Alternatives**

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

**Attachments**

- A. Resolution
- B. Exhibits A and B

Respectfully submitted,

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Gilbert Yau, PE  
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:**

Gilbert Yau, Senior Civil Engineer  
(650) 595-7467  
[gyau@belmont.gov](mailto:gyau@belmont.gov)

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

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT  
APPROVING THE SUMMARY VACATION OF A PORTION OF  
A 7-FOOT SEWER EASEMENT OVER AND ACROSS A PORTION OF LOT 39,  
BLOCK 104 IN THE BELMONT COUNTRY CLUB PROPERTIES  
SUBDIVISION NO. 10 – 2932 SAN JUAN BOULEVARD (APN 043-173-330)**

**WHEREAS**, that certain map entitled, “Map of Subdivision No. 10, Belmont Country Club Properties” filed in the office of the County Recorder of the County of San Mateo, State of California on March 24, 1927 in Book 15 of Maps on Pages 29 thru 38, shows a 7-foot sewer easement along the easterly line of Lot 39 in Block 104 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 of 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 sewer easement; and,

**WHEREAS**, the Council finds that the sewer easement has not been used for public utility purposes for 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 does hereby order that under 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 the 7-foot sewer easement along the easterly property line of Lot 39, Block 104 in the Belmont Country Club Subdivision No. 10 in the City of Belmont is hereby vacated and 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 7-feet of sewer easement over and across a portion of lot 39, block 104 in the Belmont Country Club Properties Subdivision No. 10 – 2932 San Juan Boulevard (APN 043-173-330) will no longer constitute a sewer 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 August 14, 2007 by the following vote:

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

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

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

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

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

APPROVED:

\_\_\_\_\_  
MAYOR of the City of Belmont

EXHIBIT "A"

PORTION OF SEWER RESERVE

A portion of the 7 foot wide sewer reserve lying within Lot 39, Block 104 as shown on that certain map entitled 'MAP OF SUBDIVISION NO. 10, BELMONT COUNTRY CLUB PROPERTIES' filed in the office of the County Recorder of the County of San Mateo, State of California, on March 24, 1927 in Book 15 of Maps at Pages 29 through 38, said portion being more particularly described as follows:

Beginning at the southeasterly corner of said Lot 39 and running along the southerly line thereof North 70°44'00" West, 7.00 feet; thence, on a line parallel with and 7.00 feet distant from the easterly line of said Lot 39, North 19°16'00" East, 99.79 feet to a point on the southerly line of a Sewer Reserve 7' wide, which runs along the northerly line of Lot 39; thence, along said southerly line South 65°00'00" East, 7.04 feet to the easterly line of Lot 39; thence, along said easterly line, South 19°16'00" West, 99.08 feet to the Point of Beginning.



EXHIBIT 'B'

LOT 49

S65°00'00"E 50.25'

7' SEWER RESERVE  
PER 15 MAPS 33

BLOCK 104

7.04'

111.15'

99.79'

7' SEWER RESERVE PER 15 MAPS 33 TO BE ABANDONED

99.08'

106.12'

LOT 40

N19°16'00"E

LOT 39

LOT 38

S19°16'00"W

N70°44'00"W 50.00'

P.O.B.

SAN JUAN BLVD. (50' R/W)

CENTERLINE

**B & H SURVEYING, INC.** 901 WALTERMIRE ST., BELMONT, CA 94002 (650) 637-1590

TITLE: EASEMENT ABANDONMENT

CITY: BELMONT

COUNTY: SAN MATEO COUNTY

CALIFORNIA

SURV:

SCALE: 1" = 20'

FOR: BRIAN HILL

JOB NO. 5015-05

PLAT: WH

DATE: JULY '07

DWG NO. 5015-EX-B