



Staff Report

MOTION SETTING A PUBLIC HEARING DATE OF FEBRUARY 10, 2009 TO ACT ON THE PROPOSED VACATION OF A PORTION OF SEMERIA AVENUE AND CASA BONA AVENUE ADJACENT TO THE NEW SEMERIA PARK (APN 044-042-180)

Honorable Mayor and Council Members:

Summary

The City Council is requested to make a motion setting a public hearing for review of the proposed vacation of a portion of Semeria Avenue and Casa Bona Avenue, which lies adjacent to the new proposed Semeria Park development project. The public hearing date is set for February 10, 2009 because State law requires a notice to be published not less than 15 days after the initiation of proceedings.

Background

In 2005, a parcel of land at the intersection of Semeria Avenue and Casa Bona Avenue was purchased by the City which was dedicated as a future park site. On September 20, 2008 the Parks and Recreation Commission held a special meeting on the proposed park project. The public's input was that the area should be developed as a playground for young children with landscaping that will enhance the beauty of the neighborhood.

On November 5, 2008, the City Council reviewed the proposed Semeria Park Project and directed staff to proceed with the vacation of right-of-way along the frontage of Casa Bona Avenue and Semeria Avenue. The right-of-way will be vacated to the back of the existing gutter to allow a larger area for the new development.

Discussion

Vacation proceedings must be conducted in accordance with Division 9, Part 3, Chapter 3 of the Streets and Highways Code. To vacate a public street, the City must be able to make the necessary findings that the street to be vacated is unnecessary for present or prospective public use and that there is public benefit derived from the vacation. The increase in area available for recreation purpose, such as a children's park, has been determined to be of sufficient public benefit. Because a public utility easement will be reserved for all the existing utilities within the vacated area, a finding can be made that there is no exiting benefit to the general public on this portion of street. (PG&E and Belmont Public Works Department have indicated they have utilities in the area.) The vacated right-of-way will be reverted back to the City as the owner of

the new Semeria Park property.

General Plan/Vision Statement

Staff has reviewed the General Plan and concluded that the following goals and policies are relevant to the request:

- *General Goal 10. To provide for safe and efficient movement of people and goods within the community and between the community and other areas of the region with a minimum of disruption and adverse environmental effects.*
- *Parks and Recreation Goal 2062.1. To provide recreation areas for community and neighborhood use, conveniently located and properly designed to serve the needs of the residents of the community.*

Fiscal Impact

Not at this time.

Public Contact

The agenda was posted as required by the California Government Code. Notice to the public will be conducted in accordance with the State and City ordinance of posting the area proposed to be vacated and notification by mail of property owners within 300 feet of the site.

The City will place a public notice display advertisement in the local newspaper of general circulation (San Mateo Times) for a minimum 15-day period beginning on January 17, 2009, for the scheduled public hearing by the City Council on February 10, 2009.

Recommendation

It is recommended that the City Council make a motion to initiate proceedings for the vacation of a portion of Casa Bona Avenue and Semeria Avenue and set a public hearing of February 10, 2009 to consider and act on said street vacation.

Alternatives

1. Take public testimony and continue the item, directing any questions to staff for research and response.
2. Take no action.

Attachments

- A. Exhibit A – Legal Description for Proposed Street Vacation
- B. Exhibit B – Legal Description for Lot 24 with Street Vacation
- C. Exhibit C – Legal Description for Public Utility Easement
- D. Exhibit D – Street Vacation Plats

Respectfully submitted,

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

Jack R. Crist
City Manager

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ATTACHMENT A

Legal Description for **Proposed Street Vacation** Adjacent to Lot 24, Block 36, RSM 12/13-17

Situate in the City of Belmont, County of San Mateo, State of California and described as follows:

Being a portion of a Right-of-Way adjacent to Lot 24, Block 36, as shown on the map entitled "Map of Subdivision No.2 Belmont Country Club Properties", filed in the office of the Recorder of the County of San Mateo, State of California and recorded on Feb.16, 1925, in Book 12 of Maps at Pages 13 to 17 inclusive and more particularly described as follows:

BEGINNING at the most Northerly corner of said Lot 24, being a point on the Southerly side of a 40 foot wide right-of-way called "Semeria Avenue", North $50^{\circ}17'00''$ West, a distance of 9.02 feet; thence, on a curve to the right, having a radial bearing of North $57^{\circ}32'58''$ West, a radius of 77.00 feet, a central angle of $11^{\circ}25'57''$, an arc length of 15.36'; thence, South $43^{\circ}52'59''$ West, a distance of 121.00 feet; thence, on a tangent curve to the left, having a radius of 21.00 feet, a central angle of $132^{\circ}51'46''$, an arc length of 48.70 feet; thence, on a compound curve, having a radius of 496.00 feet, a central angle of $8^{\circ}37'41''$, an arc length of 74.69 feet; thence, North $80^{\circ}28'54''$ East, a distance of 59.05 feet; thence, on a line being the prolongation of the easterly line of said Lot 24, North $22^{\circ}19'00''$ West, a distance of 9.15 feet to a point being the easternmost corner of said Lot 24; thence, along the southerly and westerly line of said Lot 24 to the point of BEGINNING, along the following courses: South $78^{\circ}09'00''$ West, a distance of 78.90 feet; thence South $89^{\circ}00'00''$ West, a distance of 4.10 feet; thence, on a tangent curve to the right, having a radius of 30.00 feet, a central angle of $130^{\circ}43'00''$, an arc length of 68.44 feet; thence, North $39^{\circ}43'00''$ East, a distance of 95.75 feet back to the point of BEGINNING.

Containing 3,836.48 square feet more or less.
End of Description.

ATTACHMENT B

Legal Description for Lot 24 with Street Vacation

Situate in the City of Belmont, County of San Mateo, State of California and described as follows:

All of Lot 24, Block 36, and a portion of adjacent Right-of-Way as shown on the map entitled "Map of Subdivision No.2 Belmont Country Club Properties", filed in the office of the Recorder of the County of San Mateo, State of California and recorded on Feb.16, 1925, in Book 12 of Maps at Pages 13 to 17 inclusive and more particularly described as follows:

All of said Lot 24, with the following:

BEGINNING at the most Northerly corner of said Lot 24, a point on the Southerly side of a 40 foot wide right-of-way called "Semeria Avenue", North 50°17'00" West, a distance of 9.02 feet; thence, on a curve to the right, having a radial bearing of North 57°32'58" West, a radius of 77.00 feet, a central angle of 11°25'57", an arc length of 15.36 feet; thence, South 43°52'59" West, a distance of 121.00 feet; thence, on a tangent curve to the left, having a radius of 21.00 feet, a central angle of 132°51'46", an arc length of 48.70 feet; thence, on a compound curve, having a radius of 496.00 feet, a central angle of 8°37'41", an arc length of 74.69 feet; thence, North 80°28'54" East, a distance of 59.05 feet; thence, on a line being the prolongation of the easterly line of said Lot 24, North 22°19'00" West, a distance of 9.15 feet to a point being the easternmost corner of said Lot 24; thence, along the southerly and westerly line of said Lot 24 to the point of BEGINNING, along the following courses: South 78°09'00" West, a distance of 78.90 feet; thence, South 89°00'00" West, a distance of 4.10 feet; thence, on a tangent curve to the right, having a radius of 30.00 feet, a central angle of 130°43'00", an arc length of 68.44 feet; thence, North 39°43'00" East, a distance of 95.75 feet back to the point of BEGINNING.

Containing 11,613.34 square feet more or less.
End of Description.

ATTACHMENT C

Legal Description for Public Utilities Easement

Situate in the City of Belmont, County of San Mateo, State of California and described as follows:

Being a portion of the Right-of-Way located near Lot 24 as shown on the map entitled "Map of Subdivision No.2 Belmont Country Club Properties", filed in the office of the Recorder of the County of San Mateo, State of California and recorded on Feb.16, 1925, in Book 12 of Maps at Pages 13 to 17 inclusive and more particularly described as follows:

BEGINNING at the most Northerly corner of said Lot 24, a point on the Southerly side of a 40 foot wide right-of-way called "Semeria Avenue", North 50°17'00" West, a distance of 9.02 feet to the TRUE POINT OF BEGINNING; thence, on a curve to the right, having a radial bearing of North 57°32'58" West, a radius of 77.00 feet, a central angle of 11°25'57", an arc length of 15.36 feet; thence, South 43°52'59" West, a distance of 121.00 feet; thence, on a tangent curve to the left, having a radius of 21.00 feet, a central angle of 132°51'46", an arc length of 48.70 feet; thence, on a compound curve, having a radius of 496.00 feet, a central angle of 8°37'41", an arc length of 74.69 feet; thence, North 80°28'54" East, a distance of 59.05 feet; thence, on a line being the prolongation of the easterly line of said Lot 24, North 22°19'00" West, a distance of 5.13 feet; thence, South 80°28'54" West, a distance of 10.54 feet; thence, South 87°14'45" West, a distance of 132.42 feet to a point on a non-tangent curve to the right having a radial bearing of North 49°53'17" East, a radius of 16.00 feet, a central angle of 83°59'42", an arc length of 23.46 feet; thence, North 43°52'59" East, a distance of 121.00 feet to a point on a tangent curve to the left, having a radius of 82.00 feet, a central angle of 10°59'14", an arc length of 15.73 feet; thence, North 50°17'00" West, a distance of 5.04 feet back to the TRUE POINT OF BEGINNING.

Containing 2,245.25 square feet more or less.
End of Description.

ATTACHMENT D

1) (xxxx) = Record dimensions of Lot 24.

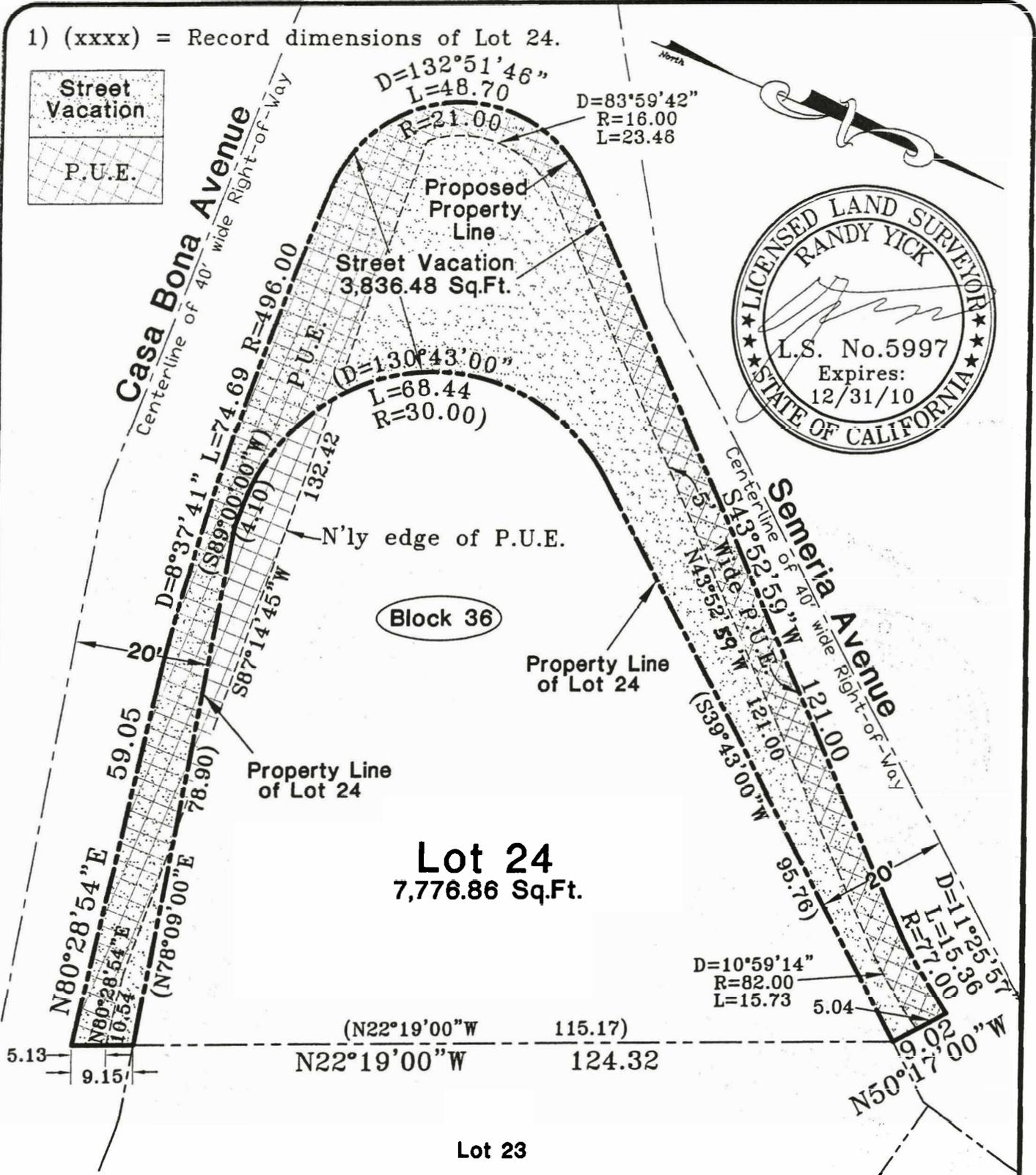
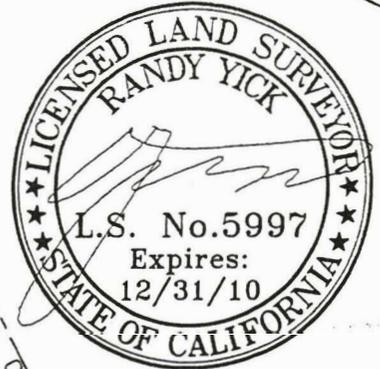
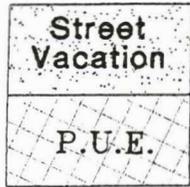


Exhibit Map

Showing Street Vacation and P.U.E. with
 Lot 24, Block 36, as shown on the map entitled
 Belmont Country Club Properties No.2 RSM 12/13-17
 City of Belmont
 San Mateo County California

Dec.16, 2008
 Scale 1"=20'
 Job# J165Bxx



ATTACHMENT D

Notes:

- 1) Elevations shown on this map are on an assumed vertical datum.
- 2) Utilities marking located were set by others.
- 3) No Public Utilities Easements per original recorded map.
- 4) Catch Basin opened and end of 12" RCP located, line drawn is from CB to CR.
- 5) 12" RCP marked in field located, set by others.

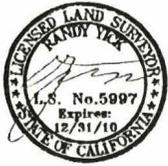
• 00.00 - Typical point and elevation

- as = Asphalt
- tc = Top of Curb
- fl = Fielpline
- bw = Bottom of Wall
- tw = Top of Wall
- MB = Manhole

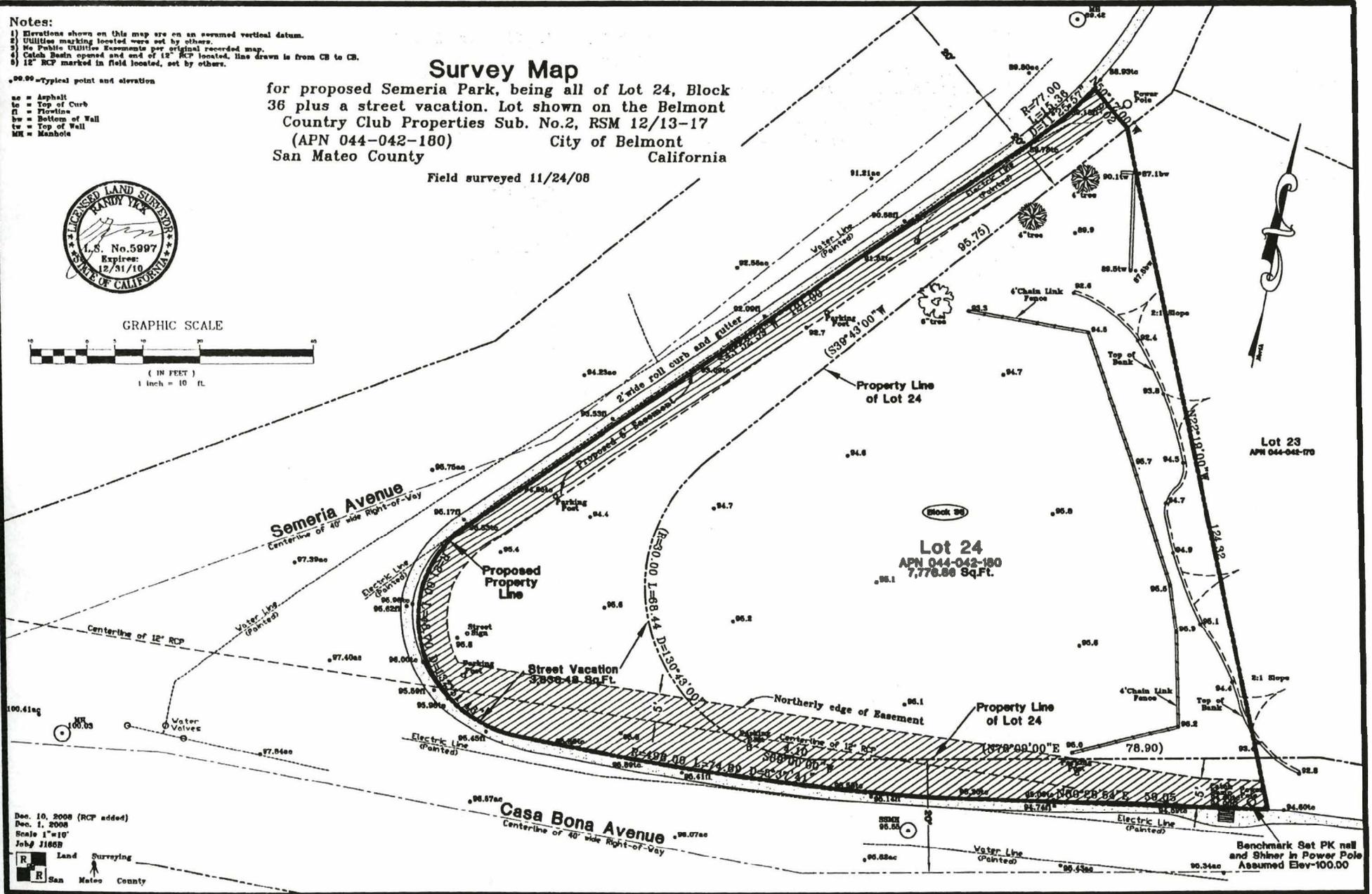
Survey Map

for proposed Semeria Park, being all of Lot 24, Block 36 plus a street vacation. Lot shown on the Belmont Country Club Properties Sub. No.2, RSM 12/13-17 (APN 044-042-180) City of Belmont San Mateo County California

Field surveyed 11/24/08



GRAPHIC SCALE



Dec. 10, 2008 (RCP added)
Dec. 1, 2008
Scale 1"=10'
Job# J1608

R Land Surveying
R San Mateo County

Benchmark Set PK nail and Shiner in Power Pole Assumed Elev-100.00