



## **Staff Report**

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PUBLIC HEARING TO CONSIDER A RESOLUTION VACATING 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 adopt a resolution vacating a portion of Semeria Avenue and Casa Bona Avenue adjacent to the new Semeria Park (APN 044-042-180) and retaining a public utility easement.

### **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 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. Also, after hearing public testimony and the recommendation of the Parks and Recreation Commission, the City Council approved by motion(5-0) and directed staff to incorporate into the design three or fewer pocket parking spaces. The right-of-way will be vacated to the back of the existing gutter to allow a larger area for the new development.

On January 13, 2009, the City Council declared its intention to vacate a portion of Semeria Avenue and Casa Bona Avenue adjacent to the new Semeria Park (APN 044-042-180). Notices for public hearing were sent to all residents within 300' radius, published in a newspaper, and posted along the streets.

### **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. Because the portion of right-of-way to be abandoned is outside the paved roadway and a public utility easement will be reserved for the existing utilities in this area, findings can be made that there is no existing benefit to the general public on this portion of street. PG&E and Belmont Public Works Department indicated

they have utilities within this area. After the vacation, the subject portion on Semeria Avenue and Casa Bona Avenue will be reverted back to the City as the owner of the adjacent property for the development of the new Semeria Park.

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

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

- *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.*
- *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**

None at this time.

### **Public Contact**

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

The City has placed a public notice display advertisement in the local newspaper of general circulation (The Examiner) for the scheduled public hearing by the City Council on January 22, 2009 and January 29, 2009.

### **Recommendation**

It is recommended that the City Council approves the vacation of a portion of Semeria Avenue and Casa Bona Avenue adjacent to the new Semeria Park (APN 044-042-180), and retaining a public utility easement.

### **Alternatives**

1. Take public testimony and continue the item, directing any questions to staff for research and response. A staff memorandum would be prepared for consideration at a future meeting.
2. Take no action.

### **Attachments**

- A. Resolution
- B. Exhibit A – Legal Description for Abandonment of Right-of-Way
- C. Exhibit B – Legal Description for Public Utility Easement
- D. Exhibit C – Plat for Right-of-Way Abandonment and Public Utility Easement
- E. Exhibit D – Topo Survey
- F. Council Resolution No. 10072 – City Council directs the architect provide a design to include no more than three on-site parking spaces

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:  
Ray Davis  
Public Works Director  
(650) 595-7459  
[rdavis@belmont.gov](mailto:rdavis@belmont.gov)

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

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT VACATING A PORTION OF SEMERIA AVENUE AND CASA BONA AVENUE ADJACENT TO THE NEW SEMERIA PARK (APN 044-042-180)**

**WHEREAS**, that certain 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, on February 16, 1925 in Volume 12 of Maps at Pages 13 to 17 showing Semeria Avenue and Casa Bona Avenue adjacent to the proposed Semeria Park (APN 044-042-180); and,

**WHEREAS**, a public hearing was held on the 10<sup>th</sup> day of February 2009 at the hour of 7:30 p.m., or as soon thereafter as the matter could be heard, in the Belmont City Hall, One Twin Pine Lane, Belmont, California as provided by a motion adopted January 13, 2009 expressing the Council’s intention to vacate and abandon a portion of Semeria Avenue and Casa Bona Avenue adjacent to the new Semeria Park (APN 044-042-180); and,

**WHEREAS**, a public utility easement will be retained for the existing utilities within a portion of the right-of-way to be abandoned; and,

**WHEREAS**, notice of said public hearing was mailed, posted and published in the manner and for the time prescribed by law; and,

**WHEREAS**, all interested persons were given the opportunity to be heard at said public hearing, and the Council has taken into consideration all evidence adduced in the record in that said hearing; and,

**WHEREAS**, after hearing and considering all of said evidence, the public hearing was closed and the matter was taken into the hands of the Council; and,

**WHEREAS**, the City Council of the City of Belmont, in accordance with the provisions of the Streets and Highways Code of the State of California, Section 8300 Division 9, Part 3, Chapter 4, thereof, elects to vacate and abandon said right-of-way.

**NOW, THEREFORE, BE IT RESOLVED**, that the City Council of the City of Belmont having given due consideration to all the evidence presented at the public hearing, and all other evidence and reports submitted as part of the record of this matter, and upon such consideration and evidence, makes the following decisions.

1. The City Council does hereby order that under the provisions of Section 8300 of Chapter 4 of Part 3 of Division 9 of the Streets and Highways Code to vacate a portion of Semeria Avenue and Casa Bona Avenue adjacent to the new Semeria Park (APN 044-042-180) as shown on Exhibits A and C attached hereto and made a part hereof.

2. A public utility easement is hereby reserved, pursuant to the provision of Section 8340 of the Street and Highway Code, upon, over and across a portion of Semeria Avenue and Casa Bona Avenue being abandoned as shown on Exhibits B & C attached hereto and made a part hereof.
  
3. From and after the date of recordation of this resolution, the vacated portion of roadway will no longer constitute a public right-of-way except the reserved 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 10, 2009.

AYES, COUNCIL MEMBER(S): \_\_\_\_\_

NOES, COUNCIL MEMBER(S): \_\_\_\_\_

ABSENT, COUNCIL MEMBER(S): \_\_\_\_\_

ABSTAIN, COUNCIL MEMBER(S): \_\_\_\_\_

\_\_\_\_\_  
City Clerk, City of Belmont

APPROVED:

\_\_\_\_\_  
Mayor, City of Belmont



Land Surveying  
San Mateo County



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

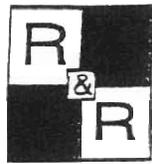
Situate in the City of Belmont, County of San Mateo, State of California and described as follows:

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.





Land Surveying  
  
San Mateo County

## Legal Description for Public Utilities Easement Exhibit B

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  $50^{\circ}17'00''$  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  $57^{\circ}32'58''$  West, a radius of 77.00 feet, a central angle of  $11^{\circ}25'57''$ , an arc length of 15.36 feet; 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; thence, South  $78^{\circ}09'00''$  West, a distance of 31.85 feet; thence, South  $87^{\circ}14'45''$  West, a distance of 110.09 feet to a point on a non-tangent curve to the right having a radial bearing of North  $49^{\circ}53'17''$  East, a radius of 16.00 feet, a central angle of  $83^{\circ}59'42''$ , an arc length of 23.46 feet; thence, North  $43^{\circ}52'59''$  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  $10^{\circ}59'14''$ , an arc length of 15.73 feet; thence, North  $50^{\circ}17'00''$  West, a distance of 5.04 feet back to the TRUE POINT OF BEGINNING.

Containing 2,322.13 square feet more or less.  
End of Description.







RESOLUTION NO. 10072

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT  
AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL  
SERVICES AGREEMENT FOR LANDSCAPE ARCHITECT SERVICES FOR  
SEMERIA PARK FOR AN AMOUNT NOT TO EXCEED \$50,000**

**WHEREAS**, Landscape Architect services are needed for the design of Semeria Park; and

**WHEREAS**, funding is available from the State of California 2002 Resources Bond Act; and

**WHEREAS**, a Landscape Architect will be selected based on qualifications and experience; and

**WHEREAS**, the Professional Services Agreement will not exceed the amount of \$50,000; and

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Belmont authorizes the City Manager to execute a professional services agreement with a Landscape Architect for design and construction plans for Semeria Park to not exceed the amount of \$50,000; and,

**BE IT FURTHER RESOLVED** that the City Council of the City of Belmont directs that the architect provide a design to include no more than three on-site parking spaces.

\* \* \* \* \*

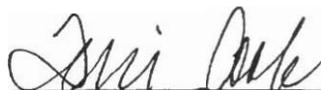
I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of Belmont at a special meeting thereof held on November 5, 2008 by the following vote:

**AYES, COUNCILMEMBERS:** Braunstein, Dickenson, Feierbach, Wozniak, Lieberman

**NOES, COUNCILMEMBERS:** None

**ABSTAIN, COUNCILMEMBERS:** None

**ABSENT, COUNCILMEMBERS:** None

  
CLERK of the City of Belmont

**APPROVED:**  
  
MAYOR of the City of Belmont