



## **Staff Report**

---

RESOLUTION ACCEPTING A PUBLIC UTILITY EASEMENT AND A FEE TITLE PROPERTY AT 404-406 WESSEX WAY (APN 040-320-300) FOR THE CONSTRUCTION U.S. 101 PEDESTRIAN BIKE BRIDGE PROJECT, CITY CONTRACT NUMBER 433

Honorable Mayor and Council Members:

### **Summary**

The Council is requested to adopt a resolution accepting a public utility easement and a fee title property at 404-406 Wessex Way (APN 040-320-300).

### **Background**

Construction of a bicycle and pedestrian bridge over U.S. Highway 101 is one of the City's priority projects. The project design is now complete and the City will be ready to invite bids for construction as soon as it obtains the required permits and sufficient funding commitments. The City is currently requesting \$4.6 millions Federal Stimulus Funds for the construction of this project.

As part of the project, a sound wall and a power pole along the west side of the freeway have to be relocated to accommodate a new ramp for the bridge. A public utility easement and fee title property are required for the construction of the new sound wall and power pole which encroach onto the private property at 404-406 Wessex Way.

### **Discussion**

The City has requested the assistance from the County of San Mateo to process the acquisition of these rights-of-way. Since the project is federally funded, the processes to acquire these properties are governed by the federal rules. After much negotiation, the owners at 404-406 Wessex Way have agreed to dedicate these rights-of-way to the City at an amount of \$28,652.

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

The installation of bicycle pathways comply with the General Plan:

Circulation Element Goal #10: *"To provide a system of hiking and riding trails, pedestrian paths, bicycle paths and lanes to: a) Provide recreation, particularly scenic, quiet, leisurely neighborhood walks and rides; b) Furnish easy access to trails from individual properties; c) Permit safe, pleasant travel among parts of the community; d) Connect local areas within the City to through trails and paths and regional trail and path systems."*

**Fiscal Impact**

The purchase of these properties shall be paid from the Street Improvement Fund Account # 234-3-730-3091-9030 for the Pedestrian/ Bike Bridge Project.

**Public Contact**

Publication and posting of City Council agenda.

**Recommendation**

It is recommended that the City Council accepts the dedication of the public utility easement and fee title property at 404-406 Wessex Way, and authorizes the City Manager to execute the right-of-way contracts, and issues a check of \$28,652 to Pedro Chuton, Lidia Chuton and Ivan Chuton for the purchase of these properties.

**Alternatives**

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

**Attachments**

- A. Resolution
- B. Grant Deed for the Fee Title Property
- C. Easement Deed for the Public Utility Easement

Respectfully submitted,

---

Gilbert Yau, PE  
Senior Civil Engineer

---

Karen Borrmann, PE  
Interim Public Works Director

---

Jack R. Crist  
City Manager

**Staff Contact:**

Gilbert Yau  
Senior Civil Engineer  
(650) 595-7467  
gyau@belmont.gov

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

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BELMONT ACCEPTING  
A PUBLIC UTILITY EASEMENT AND A FEE TITLE PROPERTY AT 404-406  
WESSEX WAY (APN 040-320-300) FOR THE CONSTRUCTION U.S. 101 PEDESTRIAN  
BIKE BRIDGE PROJECT, CITY CONTRACT NUMBER 433**

**WHEREAS**, the construction of the U.S. Highway 101 \ Pedestrian Bike Bridge requires the relocation of a sound wall and a power pole along the west side of Highway 101; and,

**WHEREAS**, a public utility easement and fee title property at 404-406 Wessex Way are required for the relocation of these facilities; and,

**WHEREAS**, the owners at 404 -406 Wessex Way have agreed to dedicate the public utility easement and fee title property to the City at an amount of \$28,652.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Belmont:

1. Authorizes the City Manager to execute the right-of-way contracts for the purchase of the public utility easement and fee title property at 404-406 Wessex Way (APN 040-320-300).
2. Authorizes the issuance of a \$28,652 check to Pedro Chuton, Lidia Chuton, and Ivan Chuton for the purchase of these properties.
3. Directs the City Clerk to record the Grant Deed and Easement Deed (Attachment 'B' and 'C') with the County of San Mateo.

\* \* \* \* \*

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 May 12, 2009 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

RECORDING REQUESTED BY  
CITY OF BELMONT

WHEN RECORDED RETURN TO

ATTENTION:  
DIRECTOR OF PUBLIC WORKS  
CITY OF BELMONT  
One Twin Pines Lane, Suite 385  
Belmont, CA 94002

THIS DOCUMENT IS EXEMPT FROM  
RECORDING FEES PURSUANT TO  
SEC. 6103 GOV'T. CODE.

APN: 040-320-300

Space above this line for Recorder's Use

**GRANT DEED**  
(INDIVIDUAL)

District	County	Route	Post Mile	Number
04	SM	101	15.6	59547

Encroachment Permit #

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

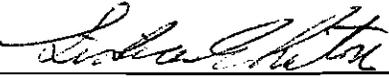
PEDRO J. CHUTON and LIDIA Y. CHUTON, husband and wife and IVAN K. CHUTON, an unmarried man, as their interests may appear

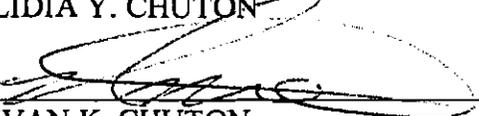
hereby GRANT to

The CITY OF BELMONT, a municipal corporation

Fee title to that property in the City of Belmont, County of San Mateo, State of California, described in Exhibit "A" attached hereto and incorporated by reference.

  
\_\_\_\_\_  
PEDRO J. CHUTON

  
\_\_\_\_\_  
LIDIA Y. CHUTON

  
\_\_\_\_\_  
IVAN K. CHUTON

Dated this 2ND day of APRIL, 2009





ENGINEERS  
SURVEYORS  
PLANNERS

4-SM-101  
KP 15.8  
59547

EXHIBIT "A"

All that real property situate in the City of Belmont, County of San Mateo, State of California, being a portion of Lot 12, Block 5, as said lot and block are shown on that certain map entitled "Sterling Downs Unit No. 2A" filed on May 12, 1953 in Book 36 of Maps at pages 48 & 49 in the Office of the County Recorder of said county, more particularly described as follows:

PARCEL 1: (Parcel 59547-1)

BEGINNING at the most southerly corner of said Lot 12; thence along the easterly line of said Lot 12, North 4°02'38" East, 15.947 meters to the TRUE POINT OF BEGINNING, also being the beginning of a non-tangent curve to the right from which point the radius point bears North 83°04'40" East; thence leaving said easterly line, along said curve having a radius of 138.850 meters, through a central angle of 18°51'38", for an arc distance of 45.707 meters to a point of reverse curvature; thence along said curve having a radius of 131.600 meters, through a central angle of 6°42'47", for an arc distance of 15.419 meters to a point on said easterly line; thence southerly along said easterly line, South 4°02'38" West, 60.846 meters to the TRUE POINT OF BEGINNING.

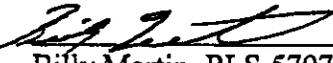
CONTAINING an area of 91.8 square meters more or less.

This conveyance is made for the purpose of a freeway and the grantor hereby releases and relinquishes to the grantee any and all abutter's rights including access rights, appurtenant to grantor's remaining property, in and to said freeway.

The bearings and distances are based on the California Coordinate System of 1983, Zone 3, CA-HPGN, Epoch 1991:35. Distances are grid distances. Multiply distances by 1.0000606 to obtain ground level distances.

This real property description was prepared by me or under my direction in conformance with the requirements of the Land Surveyors' Act.

Shoreline Drive  
te 200  
twood City  
fornia 94065  
ne 650.482.6300

  
Billy Martin, PLS 5797  
Expires: 06/30/2010



NOV. 12, 2008  
Dated

RECORDING REQUESTED BY  
CITY OF BELMONT

WHEN RECORDED RETURN TO

ATTENTION:  
DIRECTOR OF PUBLIC WORKS  
CITY OF BELMONT  
One Twin Pines Lane, Suite 385  
Belmont, CA 94002

THIS DOCUMENT IS EXEMPT FROM  
RECORDING FEES PURSUANT TO  
SEC. 6103 GOV'T. CODE.

APN: 040-320-300

Space above this line for Recorder's Use

**EASEMENT DEED**  
(INDIVIDUAL)

District	County	Route	Post Mile	Number
04	SM	101	15.6	59547-2

Encroachment Permit #

FOR A VALUABLE CONSIDERATION, receipt of which is herby acknowledged,

PEDRO J. CHUTON and LIDIA Y. CHUTON, husband and wife and IVAN K. CHUTON, an unmarried man, as their interests may appear

hereby GRANT

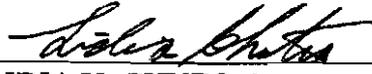
The CITY OF BELMONT, a municipal corporation

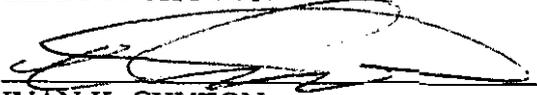
A PUBLIC UTILITY EASEMENT for utility purposes and incidents thereto, upon, over, under and across

all that real property in the City of Belmont, County of San Mateo, State of California,

shown in EXHIBIT "B" and described in EXHIBIT "A" attached.

  
\_\_\_\_\_  
PEDRO J. CHUTON

  
\_\_\_\_\_  
LIDIA Y. CHUTON

  
\_\_\_\_\_  
IVAN K. CHUTON

Dated this 2ND day of APRIL, 2009





ENGINEERS  
SURVEYORS  
PLANNERS

4-SM-101  
KP 15.8  
59547

EXHIBIT "A"

All that real property situate in the City of Belmont, County of San Mateo, State of California, being a portion of Lot 12, Block 5, as said lot and block are shown on that certain map entitled "Sterling Downs Unit No. 2A" filed on May 12, 1953 in Book 36 of Maps at pages 48 & 49 in the Office of the County Recorder of said county, more particularly described as follows:

PARCEL 1: (Parcel 59547-2, Public Utility Easement)

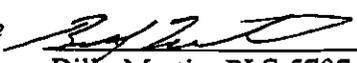
BEGINNING at the most southerly corner of said Lot 12; thence along the southwesterly line of said Lot 12, North 47°00'11" West, 3.919 meters; thence leaving said southwesterly line, North 4°02'38" East, 13.219 meters to the beginning of a non-tangent curve to the right from which point the radius point bears North 83°11'48" East; thence along said curve having a radius of 141.898 meters, through a central angle of 18°44'30", for an arc distance of 46.416 meters to a point of reverse curvature; thence along said curve having a radius of 128.552 meters, through a central angle of 5°31'15", for an arc distance of 12.387 meters to the northwesterly line of said Lot 12; thence along said northwesterly line, North 43°37'49" East, 4.912 meters to the most northerly corner of said Lot 12; thence along the easterly line of said Lot 12, South 4°02'38" West, 1.175 meters to the beginning of a non-tangent curve to the right from which point the radius point bears North 84°46'28" West; thence leaving said easterly line and along said curve having a radius of 131.600 meters, through a central angle of 6°42'47", for an arc distance of 15.419 meters to a point of reverse curvature; thence along said curve having a radius of 138.850 meters, through a central angle of 18°51'38", for an arc distance of 45.707 meters to the easterly line of said Lot 12; thence along said easterly line, South 4°02'38" West, 15.974 meters to the POINT OF BEGINNING.

CONTAINING an area of 229.1 square meters, more or less.

The bearings and distances are based on the California Coordinate System of 1983, Zone 3, CA-HPGN, Epoch 1991.35. Distances are grid distances. Multiply distances by 1.0000606 to obtain ground level distances.

This real property description was prepared by me or under my direction in conformance with the requirements of the Land Surveyors' Act.

55 Shoreline Drive  
Suite 200  
Redwood City  
California 94065  
Phone 650.482.6300  
Fax 650.482.6399

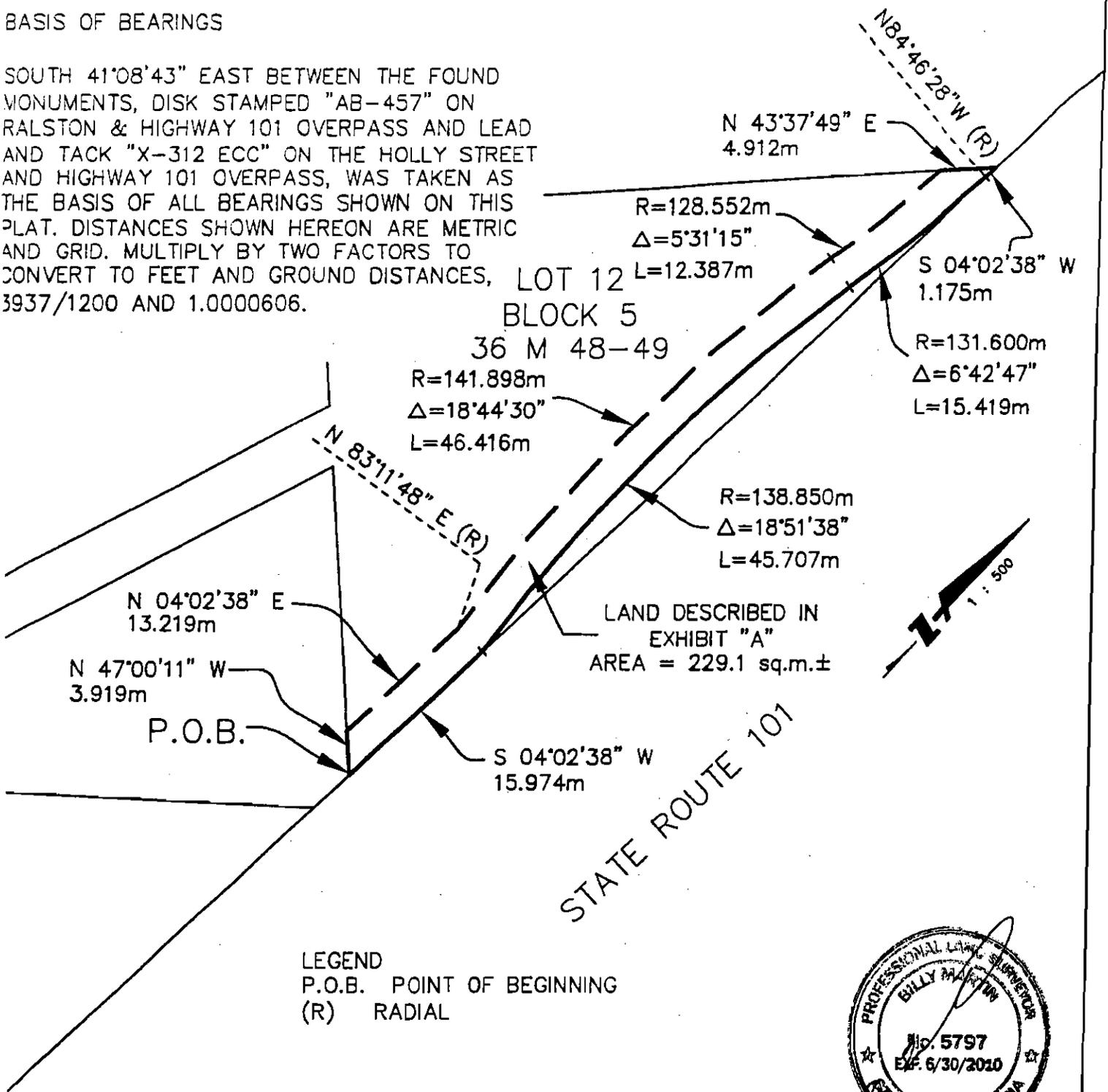
  
Billy Martin, PLS 5797  
Expires: 06/30/2010



Nov. 17, 2008  
Dated

**BASIS OF BEARINGS**

SOUTH 41°08'43" EAST BETWEEN THE FOUND MONUMENTS, DISK STAMPED "AB-457" ON RALSTON & HIGHWAY 101 OVERPASS AND LEAD AND TACK "X-312 ECC" ON THE HOLLY STREET AND HIGHWAY 101 OVERPASS, WAS TAKEN AS THE BASIS OF ALL BEARINGS SHOWN ON THIS PLAT. DISTANCES SHOWN HEREON ARE METRIC AND GRID. MULTIPLY BY TWO FACTORS TO CONVERT TO FEET AND GROUND DISTANCES, 3937/1200 AND 1.0000606.



**LEGEND**  
 P.O.B. POINT OF BEGINNING  
 (R) RADIAL



255 SHORELINE DR  
 SUITE 200  
 REDWOOD CITY, CA 94065  
 650-482-6300  
 650-482-6399 (FAX)

Subject **EXHIBIT B**

Job No. 20000246-22  
 By RCS/MK Date 11/11/08 Chkd. CC  
 SHEET 1 OF 1