

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

**BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA**

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**RESOLUTION AUTHORIZING THE VACATION OF THE PUBLIC SERVICE EASEMENT THAT RUNS OVER APN 046-041-270 AT THE TERMINUS OF A PREVIOUSLY VACATED ALLEY PERPENDICULAR TO HARBOR BOULEVARD.**

**(VACATION NO. R111G)**

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**RESOLVED**, by the Board of Supervisors of the County of San Mateo, State of California, that

**WHEREAS**, pursuant to the Public Streets, Highways, and Service Easements Vacation Law (California Streets and Highways Code, Sections 8300 *et seq.*) the legislative body of a local agency may vacate any street, highway or public service easement within its jurisdiction which is determined to be unnecessary for present or prospective public use; and

**WHEREAS**, this Board of Supervisors is the "legislative body" of the County of San Mateo, a "local agency", as these terms are defined in Sections 8304(a) and 8305 of the Streets and Highways Code; and

**WHEREAS**, the "vacation" of a "public service easement" as those terms are defined respectively in Sections 8309 and 8306 of the Streets and Highways Code, means the complete or partial abandonment or termination of the public right to use a street, highway, or public service easement; and

**WHEREAS**, an easement for Utility and incidental purposes (Ingress and Egress) over Assessor's Parcel 046-041-270, Belmont (Unincorporated), was offered for dedication in 1927, and subsequently was partially vacated in 1945; and

**WHEREAS**, the County proposes to vacate the public utility easement as described in Exhibit "1", attached hereto and incorporated herein by reference, in accordance with Chapter 3 of the Public Street, Highways and Service Easements Vacation Law (California Streets & Highways Code Section 8300 et seq.); and

**WHEREAS**, the easement is not in use and the County used street rights of way for necessary utilities; and

**WHEREAS**, it has been determined that the easement will not be needed for any public use in the future; and

**WHEREAS**, the vacation of the easement is necessary for development of the property; and

**WHEREAS**, notice on the proposed vacation now under consideration was given as required respectively by Sections 8322(a), 8323 and 8321 (e) of the California Streets & Highways Code; and

**WHEREAS**, this Board considered all the evidence offered before voting on the proposed vacation:

**NOW THEREFORE, IT IS HEREBY DETERMINED AND ORDERED BY THE BOARD OF SUPERVISORS AS FOLLOWS:**

1. That the portion of the public utility easement described and shown in Exhibit "1" is hereby vacated in accordance with Chapter 3 of the Public Streets, Highways, and Service Easements Vacation Law (California Streets & Highways Code Sections 8300 *et seq.*).

2. That said portion of the public utility easement is unnecessary for present or prospective public use.

3. That, based on evidence presented including but not limited to the staff report, the Board finds the vacation of said portion of the public utility easement herein described to be in conformity with the County General Plan and to be in the public interest.

4. That the Clerk of this Board shall cause a certified copy of this Resolution, attested by the Clerk under seal, and such other legal documents as are prepared and executed in order to establish the vacation of public utility easement, to be recorded without acknowledgement, certificate of acknowledgement, or further proof in the Office of the San Mateo County Recorder.

5. That upon recordation of a copy of this Resolution of Vacation, the vacation of the said public utility easement shall be complete.

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