

RESOLUTION NO. .

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

* * * * *

RESOLUTION AUTHORIZING AND DIRECTING THE PRESIDENT OF THE BOARD OF SUPERVISORS TO EXECUTE A QUITCLAIM DEED TO RELEASE, RELINQUISH AND ABANDON CERTAIN PROPERTY INTERESTS RELATING TO RIGHTS OF INGRESS AND EGRESS TO BEL AIRE ROAD FROM THE ASCENSION HEIGHTS SUBDIVISION (TRACT NO. 946, UNINCORPORATED SAN MATEO HIGHLANDS AREA)

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

WHEREAS, on February 9, 2016, the Board of Supervisors took action to approve a 19-lot subdivision of a 5.5 acre parcel at the intersection of Bel Aire Road and Ascension Drive in the unincorporated San Mateo Highlands area by denying an appeal of the Planning Commission's approval of a Major Subdivision, a Grading Permit, and certification of a Final Environmental Impact Report pursuant to the California Environmental Quality Act, for the proposed Ascension Heights Subdivision ("the Subdivision"); and

WHEREAS, the subdivision map entitled "Tract No. 946" recorded on November 9, 2022, in Book 144 of Maps, at Pages 54 through 56 in the records of the County of San Mateo, State of California to effectuate this approval made reference to an element of an earlier document recorded in 1959 referred to as "Relinquishment of Rights of Ingress and Egress To/From Ascension Drive and Bel Aire Road (53 Maps 9)", by which a prior owner of the property subject to the Subdivision dedicated to the County of San Mateo, and released, relinquished, and abandoned any and all rights of

ingress and egress from Bel Aire Road and Ascension Drive over the southeasterly and northeasterly line, respectively, where indicated on the 1959 map (“the 1959 Relinquishment”); and

WHEREAS, the title company assisting in the transactions contemplated by the subdivision identified the 1959 Relinquishment as a potential impediment to an enforceable right of private legal access from the lots created by the Subdivision to Bel Aire Road despite the approved subdivision map’s depiction of vehicular and pedestrian access to Bel Aire Road; and

WHEREAS, the County’s approval of the Subdivision clearly contemplated and intended that purchasers and owners of the lots created by the Subdivision would take vehicular and pedestrian access onto the publicly dedicated street known as Bel Aire Road at the proposed intersection of said Lot B and Bel Aire Road depicted on the map entitled “Tract No. 946”. and

WHEREAS, the County has not contended that the 1959 Relinquishment affects the approval of the Subdivision or the intended vehicular and pedestrian access contemplated by the Subdivision, and does not intend for the 1959 Relinquishment to be used to deny a private right of ingress or egress to the Subdivision; and

WHEREAS, Section 960 of the California Streets and Highways Code provides that whenever the Board of Supervisors determines that an interest in real property acquired by the County for highway purposes is no longer necessary for those purposes, the County may sell the property interest in the manner and upon the terms

and conditions approved by the Board of Supervisors, and the money received for the real property shall be paid into the County treasury to the credit of any fund available for highway purposes which the Board may designate; and

WHEREAS, the County Executive caused the property interest represented by the 1959 Relinquishment to be appraised as to its market value by a qualified appraiser, whose report concluded that, due to the unique aspects of the 1959 Relinquishment, including the fact that the Relinquishment represents a line on a map and there is no actual land area involved, the property interest had only a nominal value of \$500; and

WHEREAS, there has been prepared for the Board's approval a Quitclaim Deed, a form of which is attached as Attachment A, that would reconvey the property interest dedicated to the County by the 1959 Relinquishment to the Bel Aire Heights Owners Association, resolving the impediment to legal access identified by the title company, in consideration of the payment of the nominal value of \$500 payable to the County; and

WHEREAS, the Board determines that the interest in real property represented by the 1959 Relinquishment was acquired by the County for highway purposes and is no longer necessary for those purposes; and

NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED that upon payment of the consideration recited in the Quitclaim Deed, the President of this Board of Supervisors be and is hereby authorized and directed to execute said Quitclaim Deed

for and on behalf of the County of San Mateo, and the Clerk of the Board shall attest the President's signature thereto.

NOW, THEREFORE, BE IT HEREBY RESOLVED that the money received for the real property shall be paid into the county treasury to the credit of the Road Fund of the Department of Public Works.

* * * * *