

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

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

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**RESOLUTION AUTHORIZING A) THE VACATION (ABANDONMENT) OF AN EASEMENT FOR PUBLIC RIGHT-OF-WAY OVER APNs 046-041-140, 046-041-160, and 046-041-310 IN THE UNINCORPORATED AREA OF SAN MATEO COUNTY (BELMONT) AND B) ACCEPTANCE OF A NEW SANITARY SEWER EASEMENT FOR THE EXISTING IN-PLACE SANITARY SEWER MAIN BEING OFFERED FOR DEDICATION ON APN 046-041-310**

**(VACATION NO. R110G)**

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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, Section 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 Section 8304(a) and 8305 of the Streets and Highways Code; and

**WHEREAS**, the "vacation" of a "public right of way" as those terms are defined respectively in Section 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**, a right-of-way over Assessor's Parcel 046-041-140, 046-041-160, and 046-041-310 in the Unincorporated area of San Mateo County (Belmont), was offered for dedication in 1927, and subsequently was partially vacated in 1945; and

**WHEREAS**, ten or more freeholders have petitioned this Board of Supervisors under Section 8321(b) of the Streets and Highways code to vacate the public right-of-way 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 right-of-way is not in use; and

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

**WHEREAS**, the vacation of the right-of-way is necessary for development of the property; and

**WHEREAS**, a sanitary sewer main owned and maintained by the Harbor Industrial Sewer Maintenance District exists in the public right of way alley to be vacated; and

**WHEREAS**, the property owner of APN 046-041-310 desires to dedicate a permanent Sanitary Sewer Easement over the existing sanitary sewer main on APN 046-041-310; 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 right-of-way 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 Section 8300 et seq.).

2. The Sanitary Sewer Easement described and shown in Exhibit "2" is hereby accepted.

3. That said portion of the public right-of-way is unnecessary for present or prospective public use.

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

5. 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 right-of-way easement, to be recorded without acknowledgement, certificate of acknowledgement, or further proof in the Office of the San Mateo County Recorder.

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

7. That the President of the Board be, and is hereby, authorized and directed to execute on behalf of the District the Deed of Easement and Dedication dated December 15, 2022, accepting the dedication of the New Sanitary Sewer Easement on the Property; and

**IT IS FURTHER DETERMINED AND ORDERED** that the County Executive or designee is hereby authorized to execute on behalf of the Certificate of Acceptance attached thereto accepting a Deed of Easement and Dedication across the Property; and to execute any and all notices, consents, approvals, escrow instructions, and documents in connection with the Agreement.

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