

RESOLUTION NO. _____

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

*** * * * ***

RESOLUTION AUTHORIZING:

A) THE SUMMARY VACATION OF AN UNUSED PUBLIC SERVICE EASEMENT (PUBLIC UTILITY EASEMENT) OVER THE PROPERTY LOCATED AT 8 BELLE ROCHE AVENUE (ALSO KNOWN AS 8 BELLE ROCHE COURT) IN UNINCORPORATED REDWOOD CITY, COUNTY OF SAN MATEO (ASSESSOR'S PARCEL NUMBERS 051-040-330 AND 051-032-150);

AND

B) THE CLERK OF THE BOARD TO EXECUTE AND ACKNOWLEDGE THE ACCOMPANYING QUITCLAIM DEED AND AGREEMENT BETWEEN THE COUNTY AND THE OWNERS OF THE PROPERTY, DEVON K. JOHNSON AND JENNIFER C. JOHNSON, AS TRUSTEES OF THE JOHNSON FAMILY TRUST DATED AUGUST 15, 2019

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

WHEREAS, the legislative body of a local agency may summarily vacate a public service easement if the easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation pursuant to the Public Streets, Highways, and Service Easements Vacation Law (California Streets and Highways Code Section 8333(a)).

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

WHEREAS, "vacation" means the complete or partial abandonment or termination of the public right to use a "public service easement" as these terms are

defined in Streets and Highways Code Sections 8309 and 8306(a).

WHEREAS, the County holds title to a public service easement in the form of a public utility easement conveyed by that certain Easement Grant Deed recorded on August 24, 1998, as Document No. 98-134692 of Official Records (hereinafter the "Public Service Easement"), over and across Assessor's Parcel Numbers 051-040-330 and 051-032-150, commonly known as 8 Belle Roche Avenue (also known as 8 Belle Roche Court), in unincorporated Redwood City, County of San Mateo (hereinafter the "Property").

WHEREAS, the Public Service Easement is legally described and shown on Exhibits A and B attached hereto and incorporated herein by this reference.

WHEREAS, the owners of the Property, Devon K. Johnson and Jennifer C. Johnson, as Trustees of the Johnson Family Trust dated August 15, 2019, petitioned the County to vacate the Public Service Easement in accordance with Streets and Highways Code Section 8321(b).

WHEREAS, the petition submitted to the County has been signed by 11 other County residents who support the vacation of the Public Service Easement.

WHEREAS, a public service easement may not be summarily vacated if there are in-place public utility facilities that are in use and would be affected by the vacation pursuant to Streets and Highways Code Section 8334.5.

WHEREAS, County staff have investigated and found that the Public Service Easement has not been used for the purpose for which it was dedicated or acquired for

five consecutive years immediately preceding the proposed vacation.

WHEREAS, County staff has contacted and confirmed with the local public utility agencies and companies operating in the vicinity of the Property that there are no in-place public utility facilities that are in use within the Public Service Easement and that such agencies and companies have no objection to the County's proposed vacation of the Public Service Easement.

WHEREAS, County staff has found that the Public Service Easement is unnecessary for present or prospective public use.

WHEREAS, County staff has found the vacation of the Public Service Easement is consistent with the County's plan for infrastructure in the area.

WHEREAS, the Board of Supervisors' adoption of this Resolution of Summary Vacation and the recordation thereof shall have the effect of permanently abandoning and terminating the public right to use the Public Service Easement.

WHEREAS, the Board of Supervisors' execution of the accompanying Quitclaim Deed and Agreement, as executed by the owners of the Property, and recordation thereof, shall have the effect of permanently extinguishing the County's proprietary interest in the Public Service Easement and remove the Public Service Easement from title to the Property.

NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED that the Board of Supervisors hereby:

(1) Vacates the Public Service Easement pursuant to the authority provided in Streets and Highways Code Division 9, Part 3, Chapter 4. Summary Vacation [Sections 8330 – 8336] by adopting this Resolution of Summary Vacation.

(2) Finds the subject Public Service Easement is precisely described in Exhibits A and B.

(3) Finds the facts under which this summary vacation is made are stated in the recitals herein above and are true and correct.

(4) Declares that from and after the date this resolution is recorded, the Public Service Easement vacated no longer constitutes a public service easement.

(5) Directs the Clerk of the Board to cause a certified copy of this Resolution of Summary Vacation, attested by the clerk under seal, to be recorded without acknowledgment, certificate of acknowledgment, or further proof in the Office of the San Mateo County Recorder pursuant to Streets and Highways Code Section 8336(a).

(6) Authorizes the Clerk of the Board to execute and acknowledge the accompanying Quitclaim Deed and Agreement between the County and the owners of the Property and to cause the Quitclaim Deed and Agreement to be recorded in the Office of the San Mateo County Recorder.

(7) Declares that upon such recordation, the vacation of the Public Service Easement is complete.

* * * *

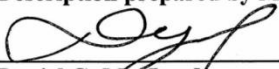
EXHIBIT A

**LEGAL DESCRIPTION of PUBLIC UTILITY EASEMENT to be ABANDONED
8 BELLE ROCHE AVENUE
UNINCORPORATED SAN MATEO COUNTY, CA**

That certain non-exclusive public utility easement as described in Document No. 98-134692, recorded on August 24, 1998, in the Office of the Recorder of the County of San Mateo, State of California.

As shown on the plat, Exhibit B, attached hereto and made a part hereof.

Description prepared by MacLeod and Associates, Inc.


Daniel G. MacLeod L.S. 5304

July 24, 2023
Date



Exhibit A - Page 2 of 2

LEGAL DESCRIPTION

from that certain Easement Grant Deed recorded on August 24, 1998, as Document No. 98-134692 of Official Records:

A non-exclusive Easement for Public Utility purposes over and across that portion of Parcel Two of the Lot Line Adjustment recorded March 30, 1995, Serial No. 95031224, San Mateo Records, more particularly described as follows:

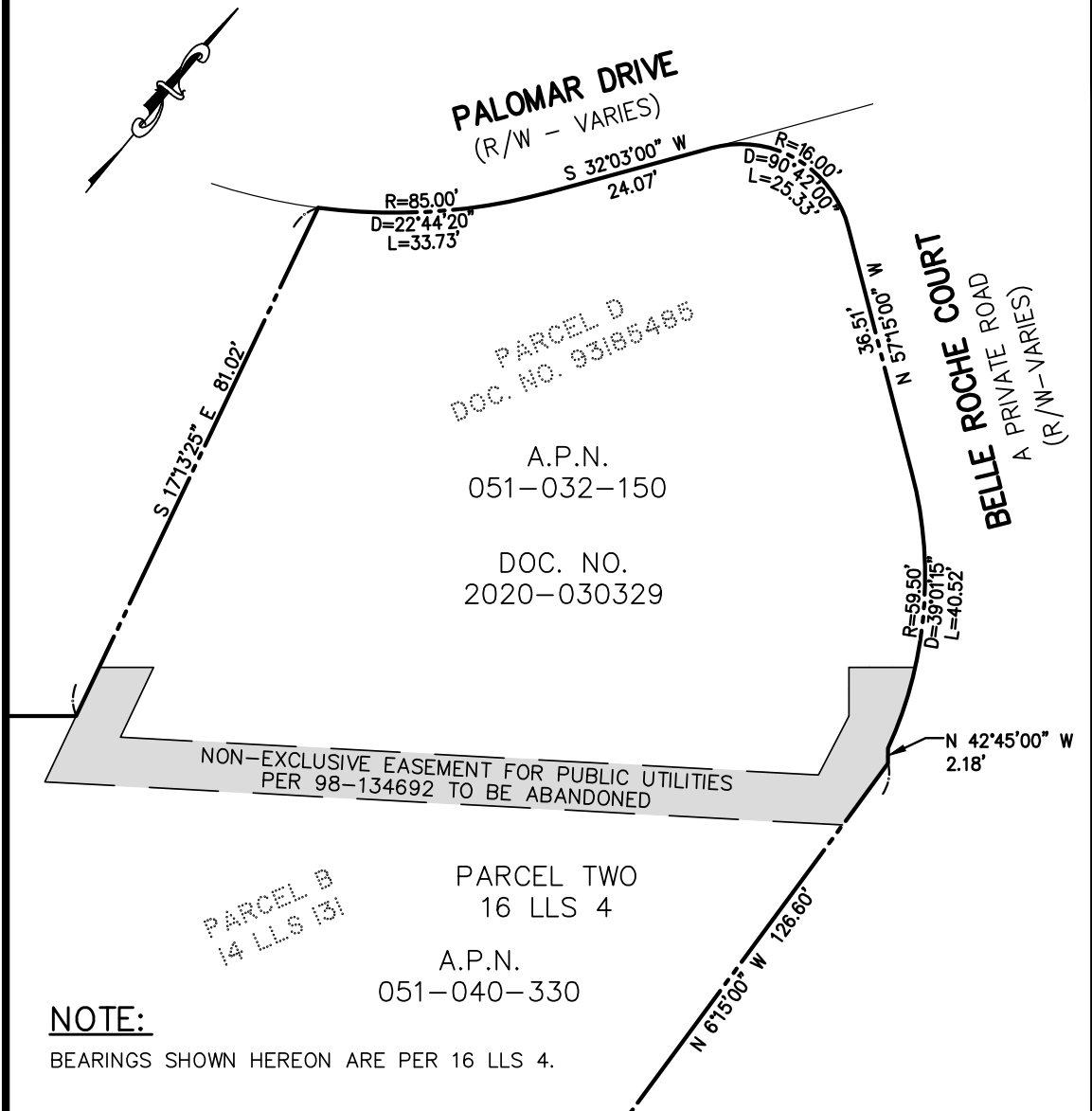
COMMENCING at the most Northwesterly corner of said Parcel Two. Said point also being the most Northwesterly corner of Parcel Two of the Record of Survey recorded in Volume 16 LLS Page 4; said point being the most Northerly common corner to Parcels One and Two of said Lot Line Adjustment and said Record of Survey; Thence along the Northwesterly line of said Parcel Two North 47 degrees 20 minutes 32 seconds East, 157.66 feet to an angle point in said Parcel Two. Said point being on the Southeasterly line of that certain 7.00 foot wide Public Utilities Easement as shown on that map filed December 1st, 1927 in Book 16 of Maps at Pages 49, 50 and 51, Official Records. Said point also being the TRUE POINT OF BEGINNING for this description; Thence South 17 degrees 12 minutes 58 seconds East, 10.46 feet; Thence North 50 degrees 26 minutes 31 seconds East, 114.89 feet to a point on the Easterly line of said Parcel Two; Thence along said Easterly line North 06 degrees 15 minutes 00 seconds West, 11.27 feet; Thence North 43 degrees 15 minutes 26 seconds West, 2.18 feet to a point on a non-tangent curve, said point bears North 71 degrees 46 minutes 15 seconds East, 59.50 feet from the radius point; Thence Northwesterly along said curve through a central angle of 11 degrees 43 minutes 51 seconds an arc distance of 12.18 feet to a point on the Northwesterly line of aforescribed 7.00 foot wide Public Utilities Easement; Thence along said northwesterly line South 47 degrees 20 minutes 32 seconds West, 9.54 feet; Thence leaving said Northwesterly line South 42 degrees 39 minutes 28 seconds East, 7.00 feet to a point on the Southeasterly line of said 7.00 foot wide Public Utility Easement; Thence South 15 degrees 13 minutes 29 seconds East, 9.54 feet; Thence South 50 degrees 26 minutes 31 seconds West, 100.66 feet; Thence North 17 degrees 12 minutes 58 seconds West, 11.10 feet to a point on the Northwesterly line of said 7.00 foot wide Public Utilities Easement; Thence along said Northwesterly line South 47 degrees 20 minutes 32 seconds West, 7.75 feet to a point on the Westerly line of said Parcel Two; Thence along said Westerly line South 17 degrees 12 minutes 58 seconds East, 7.75 feet to the TRUE POINT OF BEGINNING.



7-17-98
David R. Brown

98-134692

EXHIBIT B



TITLE: PLAT TO ACCOMPANY LEGAL DESCRIPTION
LANDS OF JOHNSON FAMILY TRUST - 8 BELLE ROCHE AVE.
 UNINCORPORATED SAN MATEO COUNTY CALIFORNIA

PLAT: DPM	SCALE: 1"= 20'	DATE: 07-24-23	JOB #: 5089-21
--------------	-------------------	-------------------	-------------------

MacLEOD AND ASSOCIATES
 CIVIL ENGINEERING • LAND SURVEYING
 965 CENTER STREET SAN CARLOS CA 94070 (650) 593-8580