

RESOLUTION NO.

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

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RESOLUTION AUTHORIZING THE VACATION OF THE UNUSED 10-FOOT WIDE PUBLIC SERVICE EASEMENT WHICH RUNS MOSTLY NORTH-TO-SOUTH ACROSS THE WESTERLY PORTION OF SAN MATEO COUNTY ASSESSOR'S PARCEL NUMBER 055-183-150, ALSO KNOWN AS 790 12TH AVENUE IN UNINCORPORATED MENLO PARK.

(VACATION NO. R096G)

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 that 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 service easement" 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 public service easement across San Mateo County Assessor's Parcel Number 055-183-150, also known as 790 12th Avenue in Unincorporated Menlo Park, was granted to the County in 1949 and the County subsequently constructed a new replacement sewer line east of the subject easement; and

WHEREAS, five or more freeholders have petitioned this Board of Supervisors under Section 8321(b) of the Streets and Highways Code to vacate the public service easement right-of-way as described and indicated as the "10-Foot Sewer Easement to be Vacated" in Exhibit "A", 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 developed a replacement sewer line within a separate easement; and

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

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

WHEREAS, notice of public hearing on the proposed vacation now under consideration was given by publishing, posting, and mailing as required respectively by Sections 8322(a), 8323, and 8321(e) of the California Streets & Highways Code, and affidavits of publication and posting are on file with the Clerk of this Board; and

WHEREAS, a public hearing was held before this Board of Supervisors on this day, and this Board heard all persons interested in the proposed vacation and considered all the evidence offered before voting on the proposed vacation.

NOW THEREFORE, IT IS HEREBY DETERMINED AND ORDERED AS FOLLOWS:

1. That the portion of the public service easement described and shown in Exhibit "A" 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. That said portion of the public service easement is unnecessary for present or prospective public use.

3. That the Manager of Real Property Services, in consultation with County Counsel, shall participate in the drawing up of such legal documents as are necessary to complete the vacation and the President of the Board shall execute such documents.

4. That, based on evidence presented, including but not limited to the staff report, the Planning Commission found the vacation of said portion of the public service easement 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 to establish the vacation of the 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 service easement shall be complete.

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