



COUNTY OF SAN MATEO
Inter-Departmental Correspondence
County Manager's Office



DATE: March 12, 2012
BOARD MEETING DATE: March 27, 2012
SPECIAL NOTICE/HEARING: None
VOTE REQUIRED: Majority

TO: Honorable Board of Supervisors

FROM: Steve Alms, Manager, Real Property Division

SUBJECT: Resolution of Intent to Conduct a Public Hearing to Consider Vacating a Public Utility Easement in unincorporated Emerald Lake Hills.
(Vacation No. 089G)

RECOMMENDATION:

Adopt a Resolution of Intent to conduct a public hearing to consider vacating a public utility easement in unincorporated Emerald Lake Hills.

BACKGROUND:

In 1946, the County accepted dedication of a public utility easement (PUE) near Lakeview Avenue in unincorporated Emerald Lake Hills for the installation and maintenance of utility infrastructure to serve the adjacent properties. Subsequently, the County and utility providers installed the utility infrastructure in portions of the PUE and the Lakeview Road right-of-way. It has been determined that the unused portions of the PUE are not needed for future use by the County or utility providers. The unused portions of the PUE currently dissect and encumber several residential parcels.

The California Streets and Highways Code authorizes legislative bodies to vacate public service easements following a finding that the vacation is in conformity with the adopted general plan for the area and consideration at a public hearing. The Department of Public Works has requested the vacation of the unused portions of the PUE pursuant to these requirements.

DISCUSSION:

Real Property Services has processed Public Works' request to vacate portions of the PUE. A map is attached to this report that shows the area to be vacated. As part of the vacation process, public utility companies, local agencies and surrounding property owners were notified of the proposed vacation. No objections were raised by the notified parties.

The Planning Commission has reviewed the proposed vacation, and found it to conform to the County's General Plan for the Emerald Lake Hills area.

Upon adoption of the Resolution of Intent, which would set the time and date for a public hearing, interested parties will be notified of the scheduled hearing. Notices of the hearing will also be published and posted at the site as required by law.

County Counsel has reviewed and approved the Resolution as to form. The Director of the Department of Public Works concurs in this recommendation.

Adoption of this Resolution contributes to the 2025 Shared Vision outcome of a Livable Community by eliminating unnecessary portions of an easement that currently encumbers multiple residential parcels.

FISCAL IMPACT:

The internal costs of processing the vacation and general plan review will be paid by the Emerald Lake Heights Sewer Maintenance District.

RESOLUTION NO. _____

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

*** * * * ***

**RESOLUTION OF INTENT TO CONDUCT A PUBLIC HEARING TO CONSIDER
VACATING A PUBLIC UTILITY EASEMENT IN UNINCORPORATED EMERALD
LAKE HILLS
(VACATION NO. 089G)**

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

WHEREAS, it is the intent of this Board of Supervisors to conduct a public hearing to consider vacating a public utility easement in unincorporated Emerald Lake Hills in the County of San Mateo, as described and shown on the attached Exhibit "A", and

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 service easement" as those terms are defined respectively in Section 8306 and 8309 of the Streets and Highways Code, is the complete or partial abandonment or termination of a right of way, easement, or use restriction acquired for public use by dedication or otherwise for sewers, pipelines, polelines, electrical transmission and communication lines, pathways, storm drains, drainage, canal, water transmission lines, light and air, and other limited use public easements other than for street or highway purposes, or of the type of easement or right described in section 8340 of the California Streets and Highways Code; and

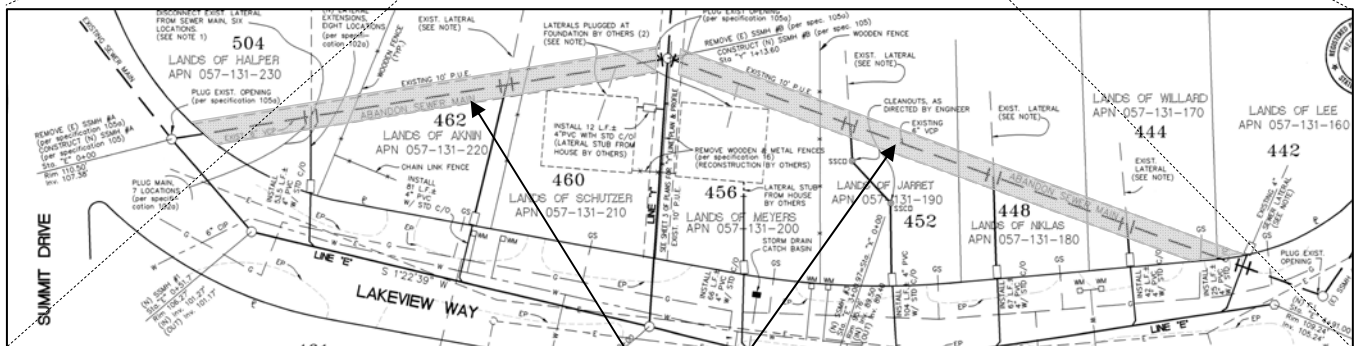
WHEREAS, it is the intent of this Board of Supervisors to conduct a public hearing to consider a request by the Department of Public Works, to vacate portions of a public utility easement in unincorporated Emerald Lake Hills in the County of San Mateo, as described and shown on the attached Exhibit "A", pursuant to Chapter 3 of the Public Street, Highway, and Service Easement Vacation Law (California Streets and Highways Code, Section 8300 et seq).

NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED:

1. On the 10th day of April, 2012, at 9:00 A.M., a Public Hearing will be held before this Board of Supervisors at the Hall of Justice and Records, 400 County Center, First Floor, Redwood City, California in the Chambers of the Board of Supervisors, at which time and place all persons interested in the proposed vacation will be heard and any evidence offered by them will be considered by this Board of Supervisors before voting on the proposed action.

2. The Clerk of this Board is directed to give public notice of the date, hour, and place of said hearing on the proposed vacation by publishing a notice for two successive weeks prior to the hearing in the San Mateo Times, a daily newspaper published and circulated in the County of San Mateo, and by having copies of this Resolution posted conspicuously along the line of the public service easement proposed to be vacated, not more than 300 feet apart, but at least three notices shall be posted. Affidavits of publication and posting shall be placed on file in the Office of the Clerk of the Board of Supervisors.

* * * * *



Easement area to be vacated (in gray)