



COUNTY OF SAN MATEO
Inter-Departmental Correspondence
County Manager



Date: October 11, 2012
Board Meeting Date: November 6, 2012
Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors

From: Margaret S. Jensen, Deputy County Manager

Subject: Quitclaim of 20 feet of a public street easement adjacent to South Delaware Street in the City of San Mateo to the City of San Mateo

RECOMMENDATION:

Adopt a Resolution authorizing execution of a Quitclaim Deed to the City of San Mateo of a 20 foot wide public street easement over 2090 South Delaware Street located in the City of San Mateo and owned by Delaware Street Apartments LLC

BACKGROUND:

In October of 1951 the California Jockey Club transferred a 100 foot easement for street purposes to the County. An 80 foot portion of that original 1951 easement is now City of San Mateo right of way known as South Delaware Street.

DISCUSSION:

The California Streets and Highways Code provides that all rights of the County to a public street will automatically transfer to a city when the territory is annexed to a city. The County does not ordinarily own or maintain street easements in the incorporated cities. The County came into possession of a 100 foot street easement over South Delaware Street *after* the territory was annexed to the City of San Mateo. Since this time, 80 feet was accepted by the City of San Mateo into their road system. To clear up the unusual multi-jurisdictional issues surrounding the 20 feet remaining, the County should execute a Quitclaim Deed releasing to the City any rights still vested in the County. Once the City of San Mateo accepts the remaining portion of street easement, the City can decide whether to vacate the street easement after a determination as to whether the 20 feet is necessary for existing or future use by adjacent owners or the City and whether it is necessary for the City to reserve an easement for public utility purposes or for the public or other uses.

The Department of Public Works has reviewed the matter and determined that this portion of the remaining 20 foot easement is not necessary for County purposes. Based

on the size and type of easement it is reasonable to conclude that the value of the easement is nominal and below the \$25,000 threshold, which allows the County to convey its rights pursuant to Government Code Section 25526.5. This section does require posting of public notice for a period of five working days prior to affecting transfer.

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

Approval of the Quitclaim contributes to the Shared Vision 2025 outcome of a Livable Community by promoting affordable, livable, and connected communities.

FISCAL IMPACT:

There is no impact to the General Fund.