

RESOLUTION NO. .

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

* * * * *

RESOLUTION AUTHORIZING VACATION OF A PUBLIC SERVICE EASEMENT AND ALLEY THAT CROSS APNs 054-285-260 AND 060-271-060, -070, -080, -090, -100, AND -110 IN UNINCORPORATED REDWOOD CITY (VACATION NO. R098G)

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 ("County"), 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," "street," or "highway" as those terms are defined respectively in Sections 8309, 8306, and 8308 of the Streets and Highways Code, means the complete or partial abandonment or termination of the public right to use a street, alley, or public service easement; and

WHEREAS, pursuant to Government Code Section 66477.2(c), an open offer of dedication of a street or alley that was made at the time of the approval of a final subdivision map but has not been accepted by a legislative body may be declined in the same manner as that prescribed for vacation by the Public Streets, Highways, and Service Easements Vacation Law;

WHEREAS, Sunrise Senior Living and related entities (“Sunrise”) propose to develop a new 90-unit residential elderly-care facility on six parcels (also commonly known as 2915, 2963, and 2991 El Camino Real) located in unincorporated Redwood City (APNs: 060-271-060, -070, -080, -090, -100, and -110) (collectively, “Site”);

WHEREAS, as part of the proposed development, Sunrise seeks to merge the six parcels comprising the Site into a single lot;

WHEREAS, an alley right of way (“Alley”) that, in part, crosses seven current parcels, including the six comprising the Site, at the northwesterly corner of El Camino Real and East Selby Lane (also commonly known as 2907, 2915, 2963, and 2991 El Camino Real and 21 Markham Ave.) in unincorporated Redwood City (APNs 054-285-260 and 060-271-060, -070, -080, -090, -100, and -110) (collectively, “Parcels”) was offered for dedication in 1926 but was rejected by the County pursuant to the map entitled “Dumbarton Park San Mateo County, Calif.,” filed in the Office of the County Recorder of San Mateo on January 20, 1926 in book 13 of maps at page 29;

WHEREAS, the portion of the Alley crossing the Parcels has historically been used as private access and parking for the Parcels’ owners, tenants, and invitees;

WHEREAS, the same group of related entities owns all of the Parcels;

WHEREAS, in 1929, pursuant to the deed recorded December 16, 1929 as Book/Reel 495, Page/Image 1, Instrument No. 50531-B of Official Records, an easement for sanitary sewer (“Public Service Easement”) was granted to the County that, in relevant part, crosses the Parcels at the same location as the Alley; and

WHEREAS, an active sewer line and gas and electric lines owned by Pacific Gas and Electric (“PG&E”) are currently located within the Public Service Easement and serve only the parcels comprising the Site and another parcel (2907 El Camino) that is owned in common with Site but is not a part of the proposed Sunrise development;

WHEREAS, to facilitate the proposed development, Sunrise seeks vacation of both the portion of the Public Service Easement and the portion of the Alley crossing the Parcels;

WHEREAS, ten or more freeholders have petitioned this Board of Supervisors under Section 8321(a)-(b) of the Streets and Highways code to vacate the portions of the Public Service Easement and Alley that cross the Parcels, as described and indicated as the "Vacation Petition Area" 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, although the County rejected the offer of the Alley in 1926 and does not currently have an interest in the portion of the Alley crossing the Parcels, the offer of dedication remains open pursuant to Government Code section 66477.2(a);

WHEREAS, it has been determined that the portion of the Alley crossing the Parcels will not be needed for any public use in the future;

WHEREAS, Sunrise has agreed to relocate the sewer line and utility services that are currently located within the Public Service Easement to a different portion of the Site so the Site and 2907 El Camino shall continue to have access to said sewer and utility services;

WHEREAS, the relocated sewer lateral connecting to the Fair Oaks Sewer Maintenance District ("District") sewer main will be privately owned and maintained, eliminating the need for a public service easement to facilitate sewer access;

WHEREAS, the owner of 2907 El Camino is one of the freeholders who has petitioned the Board of Supervisors for the requested vacation and does not object thereto;

WHEREAS, County staff have determined that the existing Public Service Easement will not be needed for any public use in the future following the planned relocation of the sewer line and utilities;

WHEREAS, the vacation of the identified portions of the Public Service Easement and Alley is necessary for the planned redevelopment of the Site;

WHEREAS, notice of public hearing for the proposed vacation now under consideration was given by publishing, posting and mailing as required respectively by Sections 8321(e), 8322(a), and 8323 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 granted pursuant to the deed recorded December 16, 1929 as Book/Reel 495, Page/Image 1, Instrument No. 50531-B of Official Records, and the portion of the Alley identified on the map entitled "Dumbarton Park San Mateo County, Calif.," filed in the Office of the County Recorder of San Mateo on January 20, 1926 in book 13 of maps at page 29 and as shown in the attached Exhibit A, that cross the Parcels shall be deemed vacated in accordance with Chapter 3 of the Public Streets, Highways, and Service Easements Vacation Law (California Streets & Highways Code Section 8300 et seq.) subject to the following conditions:

- A. Sunrise shall complete the design and construction to re-route the existing sewer lateral serving the property located at 2907 El Camino Real to the District sewer main on Berkshire Avenue. The ownership and maintenance responsibility of the relocated sewer lateral will be with the property owner(s) of 2907 El Camino Real;
- B. Sunrise shall develop and implement a project, which shall be approved by the District, to offset the net increase of sewage flow to be generated by the proposed development project on the Site;

- C. The execution of any necessary document(s) effectuating the transfer of ownership and maintenance responsibilities for the remaining sewer line in the Alley, which extends to the District sewer manhole located in the roadway of East Selby Lane, to the property owner(s) of 2915, 2963 and 2991 El Camino Real;
- D. All PG&E electric and gas services must be removed and relocated, at no cost to PG&E or the County, according to PG&E's Gas and Electric Service Requirements Manual ("The Greenbook" www.pge.com/greenbook), PG&E Engineering Standards, and the California Public Utilities Commission (CPUC) Gas or Electric Tariffs to PG&E's satisfaction. Once all PG&E facilities are removed or relocated from the alley to PG&E's satisfaction in accordance with this condition, PG&E will provide County with confirmation of satisfaction of this condition;

2. That, upon satisfaction of the conditions listed in section 1 hereof, said portions of the Public Service Easement and Alley shall be unnecessary for any then-present or prospective public use;

3. That the Real Property Manager, in consultation with the County Counsel, shall participate in the preparation of all documents necessary to complete the vacation and the President of the Board shall execute such documents as necessary and when prepared;

4. That, based on evidence presented at the hearing, including, but not limited to, the staff report, the Board finds the vacation of said portions of the Public Service Easement and Alley herein described to be in conformity with the County General Plan and to be in the public interest;

5. That, only upon notification by the Real Property Manager of the satisfaction of all conditions provided herein, the Clerk of this Board shall cause a certified copy of this Resolution, properly attested by the Clerk under seal, and such other legal documents as may be prepared and executed to establish the vacation, to be recorded without acknowledgement, certificate of acknowledgement, or further proof in the Office of the San Mateo County Recorder; and

6. That upon recordation of a copy of this Resolution of Vacation, the vacation of the said Alley and Public service easement shall be complete.

* * * * *