

RESOLUTION NO. \_\_\_\_\_

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

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**RESOLUTION AUTHORIZING (A) THE PRESIDENT OF THE BOARD OF SUPERVISORS TO EXECUTE AN AGREEMENT FOR EXCHANGE OF REAL PROPERTY INTERESTS AND THE DEEDS ATTACHED THERETO WITH LLOYD RICHARD WILSON AND BONNIE J. WILSON, EXCHANGING UTILITY EASEMENTS LOCATED AT 55 WINDING WAY IN UNINCORPORATED SAN CARLOS, (B) THE SUMMARY VACATION OF A PUBLIC UTILITY EASEMENT LOCATED AT 55 WINDING WAY IN UNINCORPORATED SAN CARLOS, AND (C) THE COUNTY MANAGER, OR HIS DESIGNEE, TO EXECUTE ANY AND ALL ACCEPTANCES, NOTICES, CONSENTS, APPROVALS, DEEDS, CERTIFICATES OF ACCEPTANCE, ESCROW INSTRUCTIONS AND DOCUMENTS IN CONNECTION WITH THE AGREEMENT.**

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

**WHEREAS**, LLOYD RICHARD WILSON AND BONNIE J. WILSON (“Wilson”) own Assessor’s Parcel Number 049-142-530, located at 55 Winding Way in unincorporated San Carlos (the “Property”); and

**WHEREAS**, in 1990, the County of San Mateo requested that a prior owner of the Property dedicate a sanitary sewer easement for the operation and maintenance of sanitary sewer facilities across the Property (“Proposed Sewer Easement”), which facilities were relocated due to a re-subdivision of Lots 87, 88, and 95, in Block 15 of Devonshire Properties Subdivision No. 4., but the dedication never took place; and

**WHEREAS**, County continues to own a sanitary sewer easement (“Existing Sewer Easement”) for the prior location of the now-relocated sewer facilities, and certain private improvements on the Property encroach into and over a portion of the Existing Sewer Easement; and

**WHEREAS**, Wilson desires to eliminate the encroachment and grant to

County the Proposed Sewer Easement and dedicate the sewer facilities situated therein to County in exchange for County's quitclaim of the Existing Sewer Easement, and conveyance of any sewer facilities that remain therein to Wilson, which facilities will be accepted by Wilson AS-IS, WHERE-IS, and WITH ALL FAULTS; and

**WHEREAS**, this Board has determined that the Existing Sewer Easement and Proposed Sewer Easement are of equal value and the Existing Sewer Easement to be quitclaimed by the County is not required for County purposes, while the Proposed Sewer Easement to be conveyed is required for County purposes; and

**WHEREAS**, there has been presented to this Board for its consideration and acceptance an Agreement for Exchange of Real Property ("Agreement"), with attached Deed of Easement and Dedication to be executed by Wilson and County, and attached Quitclaim Deed to be executed by County, together exchanging the Existing Sewer Easement for the Proposed Sewer Easement, pursuant to the terms of the Agreement; and

**WHEREAS**, this Board has been presented with the Agreement and has examined and approved the Agreement for execution; and

**WHEREAS**, a segment of a public utility easement, which segment is described in Exhibit A and depicted on Exhibit B ("Public Utility Easement"), also encroaches on private improvements and encumbers the Property, and Wilson has requested that the County vacate the Public Utility Easement; and

**WHEREAS**, County staff has determined that the Public Utility Easement is not required for public purposes and has not been used for the past five consecutive years for the purposes for which it was dedicated; and

**WHEREAS**, County may summarily vacate a public service easement pursuant to Public Streets, Highways, and Service Easements Vacation Law

(California Streets and Highways Code Division 9, Part 3, Chapter 4, Section 8330 et seq.) when a public service easement has not been used for the past five consecutive years; and

**WHEREAS**, the vacation of the Public Utility Easement is being made in accordance with said Chapter 4; and

**WHEREAS**, section 8336 of the California Streets and Highways Code states that upon recordation of a certified copy of a resolution of vacation in the office of the recorder, the vacation is complete.

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

1. That the President of the Board of Supervisors be, and is hereby, authorized and directed to execute said Agreement for Exchange of Real Property, the attached Deed of Easement and Dedication, and the attached Quitclaim Deed, for and on behalf of the County of San Mateo, and the Clerk of this Board shall attest the President's signatures thereto;
2. That the Board of Supervisors finds that the Public Utility Easement described in Exhibit A and depicted on Exhibit B has not been used for the purposes for which it was dedicated for the past five consecutive years;
3. That the Public Utility Easement described in Exhibit A and depicted on Exhibit B shall be deemed vacated in accordance with Chapter 4 of the Public Streets, Highways, and Service Easements Vacation Law (California Streets & Highways Code Section 8300 et seq.) and the Public Utility Easement described in Exhibit A and depicted on Exhibit B, is hereby ordered vacated from and after the date this resolution is recorded.

**IT IS FURTHER DETERMINED AND ORDERED** that the County Manager or his designee is hereby authorized to execute on behalf of the County any and all

acceptances, notices, consents, approvals, deeds, certificates of acceptance, escrow instructions and documents in connection with the Agreement as needed to comply with the intent of this Resolution and the Agreement.

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# Exhibit "A"

## Legal Description

All that portion of the following described strip of land lying within Parcel B of the Parcel Map filed February 17, 1978 in Book 41 of Parcel Maps at Pages 15 & 16 (41 PM 15), Official Records of the County of San Mateo, California:

A strip of land five feet wide lying adjacent to and easterly of the westerly line of Lot 88, Block 15, and terminating in the northerly lines of said Lot 88 and at a line five feet northerly of the southerly line of said Lot 88, as said lot and block are shown on the map entitled "Devonshire Properties of Municipal Properties Company, Amended and Supplementary Map of Subdivision Number Four", recorded in Book 13 of Maps at pages 49, 50, and 51, Official Records of the County of San Mateo, California.

Together with the northerly five feet of the southerly 10 feet of said Lot 88 as measured perpendicular to the southerly line of said Lot 88.

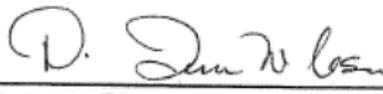
The sidelines of said strip will be lengthened or shortened so as to commence and terminate on the boundary of said Parcel B.

A plat, entitled "**Exhibit "B"**", is attached herewith and by this reference made a part of this description. This description without said Exhibit "B" is not valid.

### END OF DESCRIPTION

The purpose of the description is to describe the portion of the Public Utility Easement described in the Deed recorded December 16, 1937 in Book 776 at Page 54, Official Records of the County of San Mateo, California which lies within Parcel B of 41 PM 15.

This description and plat were prepared by me or under my direction in March of 2019 in compliance with the provisions of the Professional Land Surveyors' Act (California Business & Professions Code §8700 et seq)

 7/16/2019

D. Ian Wilson, PLS  
County Surveyor  
County of San Mateo



