



County of San Mateo

Inter-Departmental Correspondence

Department: COUNTY EXECUTIVE

File #: 23-181

Board Meeting Date: 3/28/2023

Special Notice/Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors

From: Michael P. Callagy, County Executive

Subject: Vacation (Abandonment) of an Easement for Public Right of Way over APNs: 046-041-140, 046-041-160, and 046-041-310 in the Unincorporated Area of San Mateo County (Belmont) and Acceptance of a New Sanitary Sewer Easement (VACATION NO. R110G)

RECOMMENDATION:

Adopt a resolution authorizing:

- A) The vacation (abandonment) of an easement for public right-of-way over APNs 046-041-140, 046-041-160, and 046-041-310 in the unincorporated area of San Mateo County (Belmont); and
- B) Acceptance of a new Sanitary Sewer Easement for the existing in-place sanitary sewer main being offered for dedication on APN 046-041-310.

BACKGROUND:

The easement to be abandoned runs over APNs 046-041-140, 046-041-160 and 046-041-310, where the adjoining public right of way use was vacated in 1945. The owner and/or their successor in interest desire to merge the surrounding lots and develop the property. The easement was originally intended to allow for public right of way use. The adjoining right of way that terminates at APN 046-041-270 was previously vacated in 1945. The easement over the property no longer serves a public purpose and the owner and/or their successor in interest seek to redevelop the parcel and vacation of the easement is necessary for this purpose.

The Public Streets, Highways, and Service Easements Vacation Law (California Streets and Highways Code, Section 8300 et seq.) establishes 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 the County Board of Supervisors is the "local agency" with authority to vacate this public right of way easement.

DISCUSSION:

Real Property managed the petition and the vacation process which required discussion with Public Works to establish whether the easement was necessary for public purposes. Public Works researched the easement and found no public uses by the County, except for an in-place sanitary sewer main owned and maintained by the Harbor Industrial Sewer Maintenance District (HISMD). The underlying owner is concurrently granting a Sanitary Sewer Easement to the HISMD for the in-place sanitary sewer main on APN 046-041-310. All the utility companies were contacted and each one confirmed they have no facilities (with the exception of the HISMD). Appropriate notices were posted as required by the Streets and Highways Code.

FISCAL IMPACT:

There is no fiscal impact associated with this transaction.