



County of San Mateo

Inter-Departmental Correspondence

Department: COUNTY MANAGER

File #: 16-513

Board Meeting Date: 9/12/2017

Special Notice / Hearing: Posting for 5 days
Vote Required: Majority

To: Honorable Board of Supervisors
From: John L. Maltbie, County Manager
Subject: Quitclaim of a Public Utility Easement over the property located at 941 High Road, located in the Town of Woodside; also known as San Mateo County Assessor's Parcel Number 069-150-650,

RECOMMENDATION:

Adopt a resolution authorizing:

- A) The President of the Board of Supervisors to execute a Quitclaim Deed for a Public Utility Easement over the property located at 941 High Road, located in the Town of Woodside; also known as San Mateo County Assessor's Parcel Number 069-150-650; and
- B) The County Manager, or his designee, to execute any documents necessary to complete the transaction.

BACKGROUND:

In 1994, Sam and Luleta Maslak ("Owner") entered into an Easement Agreement with the Fair Oaks Sewer Maintenance District ("District") and Town of Woodside ("Woodside") granting a sewer easement over the rear of their property located at 941 High Road in Woodside; also identified as San Mateo County Assessor's Parcel Number 069-150-650 ("Property") (hereinafter "Easement Agreement").

The District, governed by the Board of Supervisors, maintains the sewer infrastructure within Woodside's Redwood Creek Trunk Sewer and Glens Collection System Assessment District ("Assessment District") by way of an agreement with Woodside. Woodside's Master Plan for sanitary sewers in the Assessment District called for a gravity flow sewer line over the Property. This gravity flow sewer system necessitated an undesirable aboveground sewer installation. The purpose of the new sewer easement, granted by the Easement Agreement, was to create an alignment along the rear of the Property ("New Sewer Easement"), adjacent to an existing public utility easement, which would eliminate the need for the long aboveground sewer installation.

The Easement Agreement set forth a number of conditions regarding the granting of the New Sewer Easement. The Agreement provided that in consideration for the New Sewer Easement, Woodside would, within six months, vacate an unrelated Public Utility Easement ("Second PUE") that bisected the Property. To effectuate this, Woodside and the County would quitclaim their interests in the Second PUE. Second, Woodside's New Sewer Easement would terminate if Woodside had not installed the sewer facilities within ten years of the date of recordation.

The Easement Agreement was recorded in 1994, however, sewer facilities were never constructed in the New Sewer Easement. Therefore, by the express terms of the Easement Agreement, the New Sewer Easement terminated in 2004, leaving the existing public utility easement in the rear of the Property. Woodside has executed an Acknowledgment of Termination and Release of Easement memorializing the termination of the New Sewer Easement.

Woodside had no record of the abandonment of the Second PUE. The County, like Woodside, is obligated pursuant to the Easement Agreement to grant the Owners a Quitclaim Deed for the Second PUE. Woodside granted the Owners a Quitclaim Deed for the Second PUE in October of 2016.

DISCUSSION:

The Real Property Division has prepared a Quitclaim Deed relinquishing any interests the County might have in the Second PUE that bisects the Property, as required pursuant to the Easement Agreement.

The Department of Public Works has reviewed the matter and determined that the Second PUE is not necessary for County purposes. Based on the size and type of easement, it is reasonable to conclude that the value of any interest the District might have in the Second PUE is nominal and below the \$25,000 threshold, which allows the County to convey the rights pursuant to Government Code Section 25526.5. This section requires posting of a public notice for a period of five working days prior to affecting transfer.

County Counsel has reviewed and approved the Quitclaim as to form and the Resolution. 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 livable and connected communities.

FISCAL IMPACT:

There is no impact to the General Fund.