



# County of San Mateo

## Inter-Departmental Correspondence

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**Department:** COUNTY MANAGER

**File #:** 19-968

Board Meeting Date: 10/8/2019

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**Special Notice / Hearing:** None  
**Vote Required:** 4/5's Vote

**To:** Honorable Board of Supervisors

**From:** Michael P. Callagy, County Manager

**Subject:** Agreement for Exchange of Real Property Interests of equal value and Summary Vacation of a Public Utility Easement over Assessor's Parcel Number 049-142-530 located at 55 Winding Way in unincorporated San Carlos

**RECOMMENDATION:**

Adopt a 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.

**BACKGROUND:**

Lloyd Richard Wilson and Bonnie J. Wilson ("Wilson") own the real property located at 55 Winding Way in unincorporated San Carlos (APN 049-142-530) (the "Property"). In 1990, prior to the Wilson's purchase of the Property, the County of San Mateo ("County") requested that a prior owner dedicate a new sanitary sewer easement across the Property due to the relocation of the sewer facilities resulting from a re-subdivision of Lots 87, 88 and 95, in Block 15 of Devonshire Properties Subdivision No. 4. The sewer facilities were indeed relocated to accommodate the newly reconfigured lots, but the dedication of the new sanitary sewer easement never took place, and the County continues to own an easement for a sanitary sewer in the location of the former sewer line, which easement encumbers improvements on the Property.

While preparing for the exchange of sewer easements to reflect the current location of the sewer line, County staff discovered that a separate public utility easement (“Unused PUE”) also encumbers the Property and encroaches on private improvements. Staff has determined that the Unused PUE is not active and does not support any utilities.

To remove the encroachments that now exist on the Property, the County must quitclaim the existing sanitary sewer easement along with any sewer facilities located therein and accept a new easement and dedication of sanitary sewer facilities for the relocated sewer line. The County must also vacate the Unused PUE. This transaction is not a project under the California Environmental Quality Act.

Wilson has provided a survey and description of the relocated sanitary sewer easement, which has been reviewed and approved by the Department of Public Works.

**DISCUSSION:**

Real Property Services has prepared the Agreement of Exchange of Real Property and related deeds, which provide for the exchange of sanitary sewer easements of equal value and acceptance and release of the related sewer facilities. In exchange for the relocated easement and acceptance of the sewer facilities, County will record a quitclaim deed that forever remises, releases, and quitclaims the existing sewer easement, together with any sanitary sewer pipes or facilities within the existing sewer easement. The existing sewer easement is not required for County purposes and the new easement to be conveyed is required for County purposes.

Real Property Services has also processed a summary vacation of the Unused PUE under the Public Street, Highways, and Service Easements Vacation Law, which provides for a summary vacation when an easement has not been used for the purposes for which it was dedicated or acquired for five consecutive years prior to the vacation. All utility companies with a potential interest in the existing public utility easement were noticed of the proposed vacation, and none objected.

The Department of Public Works concurs in the transactions. County counsel has reviewed the resolution and conveyance documents as to form.

Approval of this action will contribute to the Shared Vision 2025 outcome of a Collaborative Community by allowing the property owner to continue to use its private improvements while maintaining the County’s right to operate public sanitary sewers.

**FISCAL IMPACT:**

Wilson will pay all costs associated with the exchange of the sanitary sewer easements and summary vacation of the public utility easement, along with any and all closing costs associated with the transaction. There is no impact to the County General Fund as a result of the Agreement or vacation.