



# County of San Mateo

## Inter-Departmental Correspondence

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**Department:** COUNTY MANAGER

**File #:** 20-411

Board Meeting Date: 6/23/2020

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

**To:** Honorable Board of Supervisors and the Governing Board of the Fair Oaks Sewer Maintenance District

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

**Subject:** Agreement for Exchange of Real Property Interests over Assessor's Parcel Number 069-225-210 and 069-225-200 located at 465 Eleanor Drive, in unincorporated Woodside; between the County, the McGovern Family Trust, and the Fair Oaks Sewer Maintenance District

### **RECOMMENDATION:**

Adopt resolutions:

A) Acting as the Board of Supervisors, authorizing:

1. The President of the Board of Supervisors to execute the Easement Exchange Agreement ("Agreement") with Patrick J. McGovern and Raquel G. McGovern, as Trustees of the McGovern Family Trust Dated May 3, 2012, and with the Fair Oaks Sewer Maintenance District ("District"); exchanging sewer easements on the property located at 465 Eleanor Drive, in the Town of Woodside ("Property"); and
2. The President of the Board of Supervisors to execute a Quitclaim Deed, releasing the County's interest in a portion of a prior sewer easement across the Property; and
3. The County Manager, or designee, to execute on behalf of the County any and all notices, consents, approvals, escrow instructions and documents in connection with the Agreement; and

B) Acting as the Governing Board of the Fair Oaks Sewer Maintenance District, authorizing:

1. The President of the Board to execute on behalf of the District the Easement Exchange Agreement with Patrick J. McGovern and Raquel G. McGovern, as Trustees of the McGovern Family Trust Dated May 3, 2012, and with the County; exchanging sewer

easements on the property located at 465 Eleanor Drive, in the Town of Woodside; and

2. The County Manager, or designee, to execute on behalf of the District the Certificate of Acceptance attached to and accepting a Deed of Easement and Dedication across the Property to replace the portion of the sewer easement being quitclaimed by the County; and to execute any and all notices, consents, approvals, escrow instructions and documents in connection with the Agreement.

**BACKGROUND:**

Patrick J. McGovern and Raquel G. McGovern, as Trustees of the McGovern Family Trust Dated May 3, 2012 (“McGovern”), own the Property located at 465 Eleanor Drive, in the incorporated Town of Woodside (APN 069-225-210 and 069-225-200) . A Prior owner of the Property dedicated a sanitary sewer easement to the County across the Property (“Prior Easement”), which is now maintained by the District .

The McGoverns have since relocated their main sewer line and requested an exchange of the Prior Easement for a new sanitary sewer easement vested in the District (“New Easement”). The Prior Easement is no longer required for County or District use and the New Easement and Prior Easement are of equal value.

McGovern will convey the New Easement to District, and in exchange, the entirety of the County’s Prior Easement will be quitclaimed to McGovern by County. The County will release responsibility for the existing infrastructure and the District will assume responsibility for maintenance of the relocated main sewer line and related infrastructure in the New Easement. McGovern 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 prepared the Easement Exchange Agreement and related deeds, which provide for the exchange of sanitary sewer easements of equal value, and acceptance and release of the associated sewer facilities. In exchange for the relocated easement and acceptance of the new sewer facilities, County will record a quitclaim deed that forever remises, releases, and quitclaims the Prior Easement, together with the pre-existing sanitary sewer pipes and facilities within the Prior Easement. The Prior Easement is not required for County purposes and the New Easement to be conveyed is required for District purposes.

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

**FISCAL IMPACT:**

McGovern will pay all costs associated with the exchange of the sanitary sewer easements, along with any and all escrow fees and closing costs associated with the transaction. There is no impact to the County General Fund as a result of the Exchange Agreement.