



CONSENT CALENDAR

Agenda Item # 4

AGENDA REPORT SUMMARY

Meeting Date: November 10, 2020

Subject: Adopt resolution No: 2020 – 38 summary vacating an easement at 2020 El Sereno Avenue

Prepared by: Harun Musaefendic, Assistant Engineer

Reviewed by: Jim Sandoval, Engineering Services Director

Approved by: Chris Jordan, City Manager

Attachments:

1. Resolution No: 2020-38
2. Plat map and legal description

Initiated by:

Property owner of 2020 El Sereno Avenue

Previous Council Consideration:

None

Fiscal Impact:

None

Environmental Review:

Not applicable

Policy Question(s) for Council Consideration:

None

Summary:

- Property owner of 2020 El Sereno Avenue has requested the City vacate an easement that was reserved for future roadway in private property
- The property owner will be able to proceed with future remodel based on the new property line and setback compliance

Staff Recommendation:

Move to adopt Resolution No. 2020-38 summary vacating a portion of right-of-way at 2020 El Sereno Avenue.



Subject: Adopt resolution No: 2020 – 38X summary vacating an easement at 2020 El Sereno Avenue

Purpose

Summary vacation of an easement at 2020 El Sereno Avenue

Background

Property owner of 2020 El Sereno Avenue has requested that City vacate an easement that was reserved for future roadway on the northwestern side of 2020 El Sereno Avenue. This portion of the easement is located at the property side yard. Based on the parcel map, the property line at the north-west corner angles and makes it non-compliant with setback requirements prohibiting future remodel efforts.

Discussion/Analysis

Staff has reviewed the site and researched the history of the easement. The area of easement to be vacated is at the northwestern side of 2020 El Sereno Avenue and backing up to properties at 2039, 2047, and 2055 Crist Drive. The easement as shown in Tract 696 is described as reserved for future road, public road was not built in this location. Crist Drive was built approximately 140 feet northwest of said easement and is serving properties that the easement is backing up to. Staff recommends this summary vacation. A resolution ordering the vacation is attached.

Options

- 1) Adopt Resolution No. 2020-38

Advantages: The property owner will be able to proceed with remodel efforts based on the new property line and setback compliance.

Disadvantages: None, the area being vacated serves no benefit other than to the property owner of 2020 El Sereno Avenue.

- 2) Not adopt Resolution No. 2020-38

Advantages: None

Disadvantages: The property owner will not be able to perform a remodel.

Recommendation

The staff recommends Option 1

When recorded return to:

City Engineer
City of Los Altos
One North San Antonio Road
Los Altos, California 94022

RECORD WITHOUT FEE UNDER §§
27383 & 27388.1 GOVERNMENT CODE

SPACE ABOVE THIS LINE FOR RECORDERS USE ONLY

RESOLUTION NO. 2020-38

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
APPROVING THE VACATION OF AN EASEMENT ON THE PROPERTY AT
2020 EL SERENO AVENUE**

WHEREAS, the City of Los Altos (the “City”) received an application from property owner Shay Dunevich to vacate an easement previously acquired by the City for right of way purposes, and located along the northwestern border of his property at 2020 El Sereno Avenue, as more particularly described and depicted in **Exhibit A** hereto (the “Excess ROW”); and

WHEREAS, the Excess ROW was never developed into a street, and the City has no plans to use the easement for street or highway purposes in the future; and

WHEREAS, all the applicable public utilities, including Pacific Gas and Electric, California Water Service Company, AT&T, Comcast and Los Altos Public Works have confirmed that there is no existing or planned use for the Excess ROW; and

WHEREAS, the City Council held a public meeting on November 10, 2020.

NOW THEREFORE, BE IT RESOLVED, that:

1. The City Council hereby finds as follows:
 - a. That the foregoing recitals are true and correct;
 - b. That the vacation of the Excess ROW ordered herein is made under and in conformance with Division 9, Part 3, Chapter 4 of the Streets & Highways Code;
 - c. That the Excess ROW is not required for street or highway purposes, as set forth in Streets & Highways Code Section 8334, and that the necessity for a street or highway to be constructed within the Excess ROW has been superseded as set forth in Streets & Highways Code Section 8330 by the location of Crist Drive approximately 140 feet northwest of the Excess ROW, and vacating the Excess ROW will not cut off access to any person’s property or terminate a public service easement that is being used for the purpose for which it was dedicated;

- d. That the Excess ROW is not useful as a nonmotorized transportation facility, as set forth in Streets & Highways Code Section 892;
 - e. That, pursuant to Streets & Highways Code Section 8313, the vacation of Excess ROW ordered herein is consistent with the City's General Plan in that the Excess ROW is not depicted in Figure C-1 of the Circulation Element to the General Plan as being part of the City's Circulation Plan; nor is the Excess ROW described in the Circulation Element as being needed for future use; and
 - f. The vacation of the Excess ROW is exempt from review under the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15061(b)(3) in that it can be seen with certainty that abandoning an unused easement not being used for right of way or utility purposes will not have a significant impact on the environment.
2. The Excess ROW is hereby ordered vacated so that from and after the date of this Resolution, it shall no longer constitute a right of way, street, highway, or public service easement of the City.
 3. As set forth in Streets and Highways Code Section 8336, the City Clerk is hereby directed to cause a certified copy of this Resolution, attested by the City Clerk under seal, to be recorded in the Official Records of Santa Clara County.
 4. The location and custodian of the documents or other materials that constitute the record of proceedings upon which the City Council's decision is hereby made shall be in the Office of the City Clerk.

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 10th day of November 2020 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Janis C. Pepper, MAYOR

Attest:

Andrea Chelemengos, MMC, CITY CLERK

EXHIBIT "A"
LEGAL DESCRIPTION

FOR VACATION OF 15.75' RIGHT OF WAY
EASEMENT OVER LOT 15
BOOK 26 OF MAPS, AT PAGE 30,

2020 EL SERENO AVENUE
LOS ALTOS, CALIF.

REAL PROPERTY in the County of Santa Clara, State of California, described as follows:

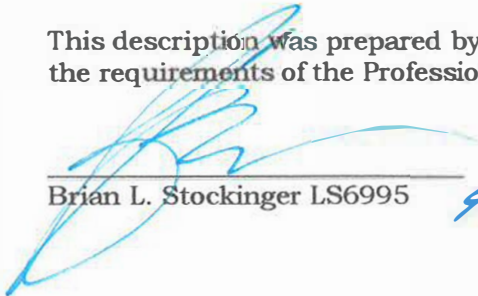
Being the southeasterly 15.75 feet wide portion of the 20 foot wide Right Of Way which was described in that certain indenture which was recorded in Book 249 of Deeds, at Page 420, on December 2, 1901 in Santa Clara County Official Records, lying contiguous to and southeasterly of the northwesterly line of Lot 15 as shown on Tract No. 696, "El Sereno Homesites", filed for record on February 27, 1950, in Book 26 of Maps, at Page 30, Santa Clara County Records, and being more particularly described as follows:

Beginning at the most northerly corner of Lot 15 also being on the southwesterly line of El Sereno Avenue (60' in width) as shown on said tract map; Thence, southeasterly along said line being a non-tangent curve to the right, the center of which bears $S43^{\circ}57'00''W$, having a radius of 98.00 feet, through a central angle of $09^{\circ}15'02''$, an arc distance of 15.82 feet; Thence, leaving said southwesterly line of El Sereno Avenue, across said Lot 15, parallel with and southeasterly 15.75 feet (measured at right angles), with the northwesterly line of said Lot 15, $S43^{\circ}57'00''W$, 169.58 feet to the southwesterly line of said Lot 15; Thence, along said line, $N46^{\circ}03'00''W$, 15.75 feet to the most westerly corner of said Lot 15; Thence, along the northwesterly line of said Lot 15, $N43^{\circ}57'00''E$, 170.60 feet to the Point of Beginning.

Containing 2,685 square feet of land, more or less

End of Description

This description was prepared by me or under my direction in conformance with the requirements of the Professional Land Surveyors Act.


Brian L. Stockinger LS6995

Dated:

SEP 19, 2020



Parcel Map Check Report

Date: 9/19/2020 6:53:13 AM

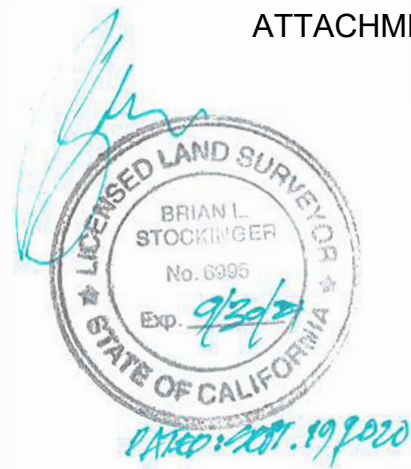
Parcel Name: 2020 El Sereno

Description:

Process segment order counterclockwise: False

Enable mapcheck across chord: False

"North:5,296.0348" "East:5,393.7701"



Segment# 1: Line

"Course: N43°57'00"E" Length: 170.90'
 "North: 5,419.0735" "East: 5,512.3799"

Segment# 2: Curve

Length: 15.82' Radius: 98.00'
 "Delta: 9°15'02" Tangent: 7.93'
 Chord: 15.81' "Course: S41°15'13"E"
 "Course In: S44°07'16"W" "Course Out: N53°22'19"E"
 "RP North: 5,348.7223" "East: 5,444.1545"
 "End North: 5,407.1909" "East: 5,522.8020"

Segment# 3: Line

"Course: S43°57'00"W" Length: 169.58'
 "North: 5,285.1025" "East: 5,405.1083"

Segment# 4: Line

"Course: N46°03'00"W" Length: 15.75'
 "North: 5,296.0334" "East: 5,393.7692"

Perimeter: 372.05' "Area: 2,684.60Sq.Ft."

Error Closure: 0.0017 "Course: S33°27'40"W"

Error North : -0.00138 East: -0.00091

"Precision 1: 218,852.94"