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<h1>REPORT</h1> <p>To the Honorable Mayor and City Council From the City Manager</p>
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September 22, 2003

Subject
Resolution to Summarily Vacate a Portion of a Pathway - Woodside Terrace No. 4 Subdivision - Engineering File No. 702-06

Recommendation
Adopt a Resolution to summarily vacate a portion of the six-foot wide pathway shown on the attached Map of the Woodside Terrace No. 4 Subdivision, pursuant to Section 8333 of the Streets and Highways Code.

Background
The adjacent property owner, Ms. Carol Bauman (2303 Goodwin Avenue) has requested that the City terminate rights and usage of the pathway that was dedicated on the Subdivision Map of Woodside Terrace No. 4 Subdivision, recorded in Book 36 of Maps at page 32.

These Pathways are "mid-block," and were created with the subdivision in the 1950s to provide more direct access to schools and shopping areas. Over the years, most or all of the pathways have been closed-off with fences, and some have been formally abandoned. They were considered a safety hazard, because they were not lit at night and provided direct access to the back yards of many homes.

The process for vacation is described in the Streets and Highways Code. Section 8333 of the Code provides for a summary vacation of such publicly dedicated land which has not been used for its intended purpose for over five years; therefore, it is appropriate that the City vacate its interest for the public use of this property. A five foot strip of land will be reserved for a public utilities easement in order to provide continuity with adjoining parcels.

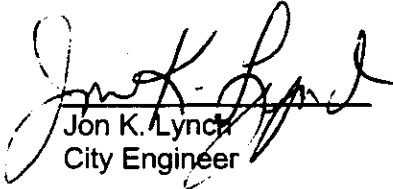
The Planning Commission made a finding on August 5, 2003, that the vacation is in conformance with the General Plan, and that an easement is no longer needed.

Alternative
Do not adopt the Resolution to vacate the pathway, which is contrary to policy, and non-productive.

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Fiscal Impacts

There are no impacts to the City of Redwood City for this vacation.



Jon K. Lynch
City Engineer



Bruce Liedstrand
Community Development Services Director



Ed Everett
City Manager

Attachment: Location Map

JP/JKL:ss
s/library/reports/lynch/vacation_Walkway(Bauman)

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RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDWOOD CITY, CALIFORNIA, PROVIDING FOR THE SUMMARY VACATION OF A PEDESTRIAN PATHWAY BETWEEN GOODWIN AVENUE AND OREGON AVENUE AND FINDING THAT THE PUBLIC CONVENIENCE AND NECESSITY REQUIRE THE RESERVATION THEREFROM OF A PERMANENT EASEMENT FOR PUBLIC UTILITIES AND ACCESS THERETO

WHEREAS, on December 1, 1950 the Map of Woodside Terrace No. 4 was recorded and showed approximately six (6) foot pedestrian pathway (the "Pathway") between Goodwin Avenue and Oregon Avenue in the City of Redwood City as described in the attached Exhibit "A" and as depicted on Exhibit "B," which Exhibits are incorporated herein by this reference; and

WHEREAS, the Pathway is a mid-block path that ends abruptly because the other portion of the Pathway, which originally led to the adjoining street of Oregon Avenue, was previously abandoned in 1977; and

WHEREAS, the Pathway is fully landscaped by the adjacent property owner located at 2303 Goodwin Avenue; and

WHEREAS, the Public Streets, Highways, and Service Easements Vacation Law, being Sections 8300 et seq., of the Streets and Highways Code, provides in Sections 8333 et seq., for the summary vacation of a public service easement under certain conditions; and

WHEREAS, Section 8333 of the Streets and Highways Code provides that the legislative body of a local agency may summarily vacate a public service easement that

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has not been used for the purpose for which it was dedicated or acquired for five (5) consecutive years immediately preceding the proposed vacation; and

WHEREAS, Section 8306 of the Streets and Highways Code defines public service easements as including all or part of, or any right in: a pathway; and

WHEREAS, the City Council wishes to proceed under the provisions of Sections 8330 et seq., of the Streets and Highways Code to summarily vacate the Pathway while reserving therefrom a permanent easement for public utilities and access thereto; and

WHEREAS, on August 5, 2003 The Planning Commission of the City of Redwood City considered the vacation of the Pathway and determined that it conformed to the City's General Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF REDWOOD CITY, AS FOLLOWS:

1. That the vacation of the Pathway is being undertaken pursuant to, and in accordance with, the provisions of Chapter 4 (commencing with Section 8330) of Part 3 of Division 9 of the Streets and Highways Code of the State of California.

2. That the City Council finds that the Pathway has not been used for over five (5) years preceding this proposed vacation for the purpose for which it was acquired and hereby orders its summary vacation as described in Exhibit A.

3. That the public convenience and necessity require the exception from the vacation those easements more particularly described in Exhibit A and necessary for public utilities and access thereto.

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4. The City Clerk is hereby authorized and directed to cause a certified copy of this resolution to be recorded in the Office of the County Recorder of San Mateo County, California, and the Pathway shall be and is hereby terminated as of the date of said recordation and shall no longer constitute a public Pathway from and after said date of recordation.

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**EXHIBIT "A"
DESCRIPTION**

The land referred to herein is situated in the State of California, County of SAN MATEO, CITY OF REDWOOD CITY, described as follows:

A PORTION OF THAT CERTAIN WALK 6 FEET WIDE LYING ADJACENT TO LOT 1, BLOCK EIGHTEEN (18), AS SHOWN ON THAT CERTAIN MAP ENTITLED, "WOODSIDE TERRACE NO. 4", FILED IN THE OFFICE OF THE RECORDER OF THE COUNTY OF SAN MATEO, STATE OF CALIFORNIA ON DECEMBER 1, 1950, IN BOOK 32 OF MAPS, AT PAGE(S) 35 AND 36, SAID PORTION BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST NORTHWESTERLY CORNER OF LOT 1, BLOCK 18, AS SAID LOT AND BLOCK ARE SHOWN ON SAID MAP, SAID CORNER ALSO BEING A POINT OF SOUTHERLY LINE OF GOODWIN AVENUE, 60 FEET IN WIDTH, AS SHOWN ON SAID MAP; THENCE, SOUTHWESTERLY ALONG SAID SOUTHERLY LINE OF GOODWIN AVENUE, SOUTH 44° 28' 00"; WEST, A DISTANCE OF 6.00 FEET; THENCE AT RIGHT ANGLES SOUTH 45° 32' 00" EAST, A DISTANCE OF 125 FEET TO A POINT ON SAID SOUTHEASTERLY BOUNDARY; THENCE NORTH 44° 28' 00" EAST, A DISTANCE OF 6.00 FEET TO THE MOST WESTERLY CORNER OF SAID LOT 1, SAID CORNER ALSO BEING THE MOST NORTHWESTERLY CORNER OF LOT 8, BLOCK 18, AS SAID LOT AND BLOCK ARE SHOWN ON SAID MAP; THENCE NORTHWESTERLY, ALONG SAID NORTHWESTERLY LINE OF SAID LOT 1 NORTH 45° 32' 00" WEST, A DISTANCE OF 125.00 FEET TO THE POINT OF BEGINNING.

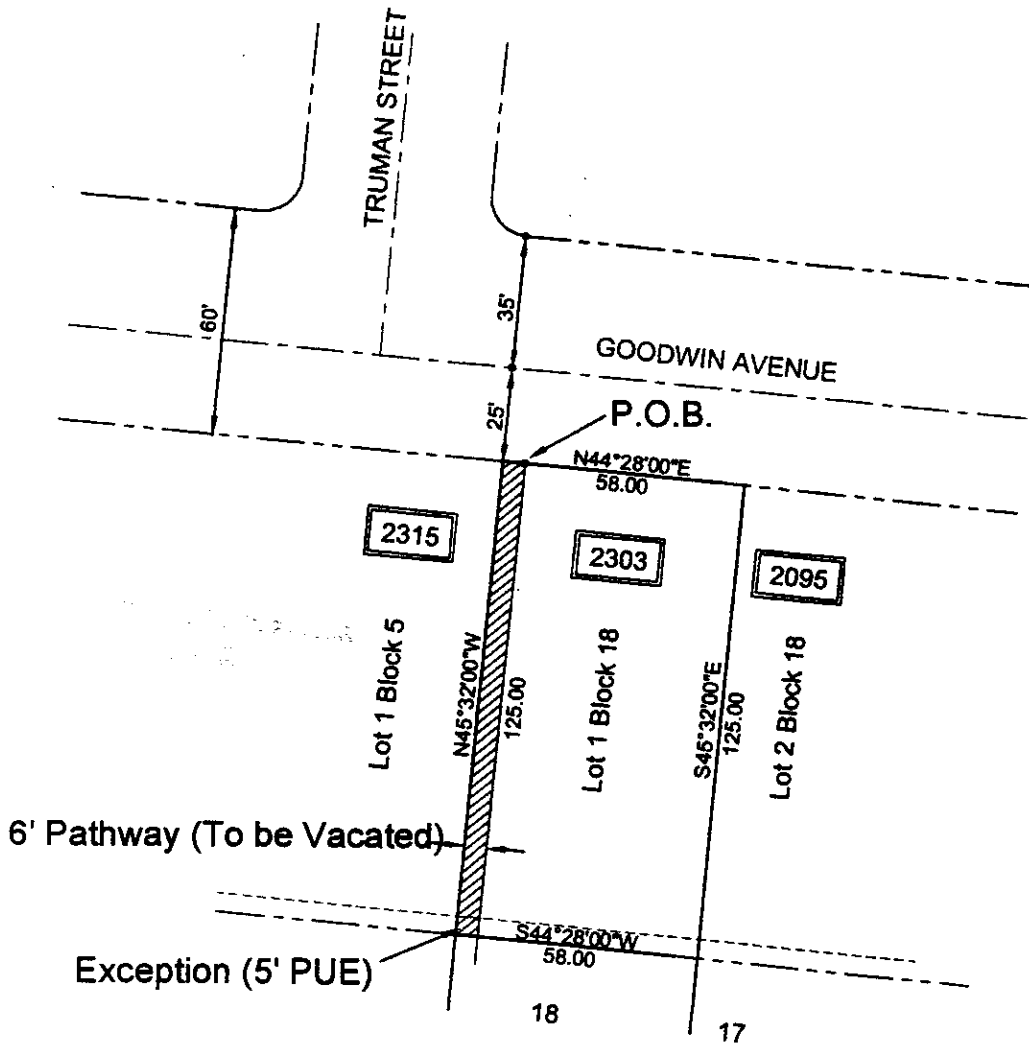
EXCEPTING THEREFROM AN EASEMENT FOR INGRESS, EGRESS AND FOR PURPOSES OF LAYING AND MAINTAINING PUBLIC UTILITIES AND ALL RELATED APPURTENANCES, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY CORNER OF SAID LOT 1, SAID CORNER ALSO BEING THE MOST NORTHWESTERLY CORNER OF SAID LOT 18; THENCE NORTHWESTERLY ALONG THE SOUTHWESTERLY LINE OF SAID LOT 1, NORTH 45° 32' 00" WEST, A DISTANCE OF 5.00 FEET TO A POINT ON SAID SOUTHWESTERLY LINES; THENCE SOUTHWESTERLY, SOUTH 44° 30' 00" WEST, A DISTANCE OF 6.00 FEET TO A POINT ON THE SOUTHWESTERLY BOUNDARY LINE OF SAID SUBDIVISION; THENCE AT RIGHT ANGLES AND SOUTHEASTERLY ALONG SAID BOUNDARY LINE SOUTH 45° 32' 00" EAST, A DISTANCE OF 5.00 FEET TO A POINT ON SAID SOUTHWESTERLY BOUNDARY LINE; THENCE NORTHEASTERLY, NORTH 44° 28' 00" EAST, A DISTANCE OF 6.00 FEET TO THE POINT OF BEGINNING.

A.P.N. 058-422-380

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Portion of Woodside Terrace No. 4
 Recorded in Book 22 Page 36
 of San Mateo County Records

Scale: 1"= 50'	CITY OF REDWOOD CITY ENGINEERING AND CONSTRUCTION	
DATE: 8/21/03	PLAT = EXHIBIT "B" 6' Pathway to be Vacated	SHT 1 OF 1