



STAFF REPORT – AMENDED

City Council
Meeting Date: 3/10/2020
Staff Report Number: 20-058-CC

Consent Calendar: **Adopt Resolution No. 6548 proposing to abandon public right-of-way and public utility easements adjacent to and within 100-110 Terminal Avenue**

Recommendation

Staff recommends that the City Council adopt Resolution No. 6548 (Attachment A) to abandon right-of-way and public utility easements adjacent to and within 100-110 Terminal Avenue.

Policy Issues

The City is legally required by the State of California Streets and Highways Code, Section 8300, to go through a multistep process in order to abandon public right-of-way and public easements.

Background

In January 2020, the City Council adopted Resolution No. 6537 describing the City’s intent to collaborate with Facebook for the construction of a new community center and library in the Belle Haven neighborhood. The new facility is proposed to be constructed on the site of current Onetta Harris Community Center, Menlo Park Senior Center, and Belle Haven Youth Center located at 100-110 Terminal Avenue.

Portions of Kelly Park, the Menlo Park Senior Center, and the Belle Haven Pool are constructed on the Terminal Avenue right-of-way. The right-of-way established in a 1940 subdivision was never used as a roadway, and was not vacated and abandoned before to construction of the buildings in the 1970s and 1990s. The right-of-way is proposed to be officially vacated and abandoned in conjunction with the Belle Haven community center and library (BHCCL) project.

Analysis

Terminal Avenue was dedicated to the City in September 1940, on the map entitled Belle Haven City, recorded in Book 23 of Maps, Page 6, in the San Mateo County official records (see Attachment B.) The portion of Terminal Avenue that is proposed to be abandoned is a 60-foot wide “paper street” (see Attachment C.) A paper street is a road or street that appears on maps but does not exist in reality. In 1971 the Belle Haven Youth Center and Onetta Harris Community Center were constructed on the adjacent parcels, and in 1972 the pool was constructed within the paper street right-of-way. The Menlo Park Senior Center was subsequently constructed on the right-of-way in 1992.

Pursuant to the California Subdivision Map Act, abandoned right-of-way reverts to the adjacent property owner(s), which in this case is the City of Menlo Park. Upon recordation of the vacation, the City would relinquish its rights to use the property as a roadway, but would retain ownership of the land. A 5-foot wide

public utility easement is also proposed to be vacated and abandoned with the project. There are no known utilities located within the easement. Lots 3-26, and a portion of Lot 27, which are all owned by the City of Menlo Park, will be merged before to the vacation and abandonment. After the abandonment is recorded, the net effect will be one parcel.

Utility coordination

The City has received “no objection” letters from all relevant public utility agencies, provided that a portion of West Bay Sanitary District’s sewer main is converted to a private lateral. This would be accomplished by adding a new sewer manhole downstream of the existing manhole, which would serve as the delineation between public and private sewer. City staff is coordinating with West Bay on the design, and the improvements would take place with construction of the BHCCL. West Bay’s Board would need to approve the design before to final City Council action on the abandonment.

Abandonment procedure

The applicable abandonment procedure is a three step process that first requires that City Council adopt a resolution of intent to abandon the public right-of-way and public utility easements. The resolution forward the abandonment request to the Planning Commission for consideration at its May 18, meeting, and sets the time and date for the City Council public hearing as June 23, at 7 p.m. The Planning Commission would review the abandonment to determine if it is compatible with the City’s general plan, and forward its recommendation to the City Council for approval of the abandonment at the public hearing. Staff would advertise notices of the public hearing in the newspaper and at the site in accordance with the requirements of the Streets and Highways Code. An affidavit of posting would then be filed with the city clerk. Should the utility agencies, affected parties, Planning Commission, and City Council consider the abandonment favorably, a resolution ordering the vacation and abandonment of the public right-of-way and public utility easements adjacent to and within 100-110 Terminal Avenue would be recorded.

Impact on City Resources

There is no direct impact on City resources associated with the actions in this staff report. The fee for staff time to review and process the abandonment is waived because the City is the applicant.

Environmental Review

The proposed street abandonment is Categorically Exempt under Class 5, minor alterations in land use, of the current State of California Environmental Quality Act (CEQA) Guidelines.

Public Notice

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

- A. Resolution No. 6548
- B. Subdivision map
- C. Aerial vacation exhibit

Report prepared by:
Theresa Avedian, Senior Civil Engineer

Report reviewed by:

Staff Report #: 20-058-CC

Chris Lamm, Assistant Public Works Director

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RESOLUTION NO. 6548

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK
DECLARING THE INTENTION OF SAID CITY TO ABANDON PUBLIC RIGHT-
OF-WAY AND PUBLIC UTILITY EASEMENTS ADJACENT TO AND WITHIN
100-110 TERMINAL AVENUE**

WHEREAS, the City Council of the City of Menlo Park has considered the abandonment of Public right-of-way and public utility easements adjacent to and within 100-110 Terminal Avenue, as shown in Exhibit A, which is attached and made apart thereto; and

WHEREAS, the Planning Commission is scheduled to review the proposed abandonment for consistency with the City's general plan at its meeting on May 18, 2020; and

WHEREAS, the City Council will hold a public hearing on June 23, 2020 at approximately 7 p.m. as required by law to determine whether said public right-of-way and public utility easements shall be abandoned.

NOW, THEREFORE, BE IT RESOLVED, that a resolution of intention of the City Council of the City of Menlo Park does hereby propose the abandonment of public right-of-way and public utility easements adjacent to and within 100-110 Terminal Avenue.

I, Judi A. Herren, City Clerk of Menlo Park, do hereby certify that the above and foregoing Council resolution was duly and regularly passed and adopted at a meeting by said City Council on the tenth day of March, 2020 by the following votes:

AYES:

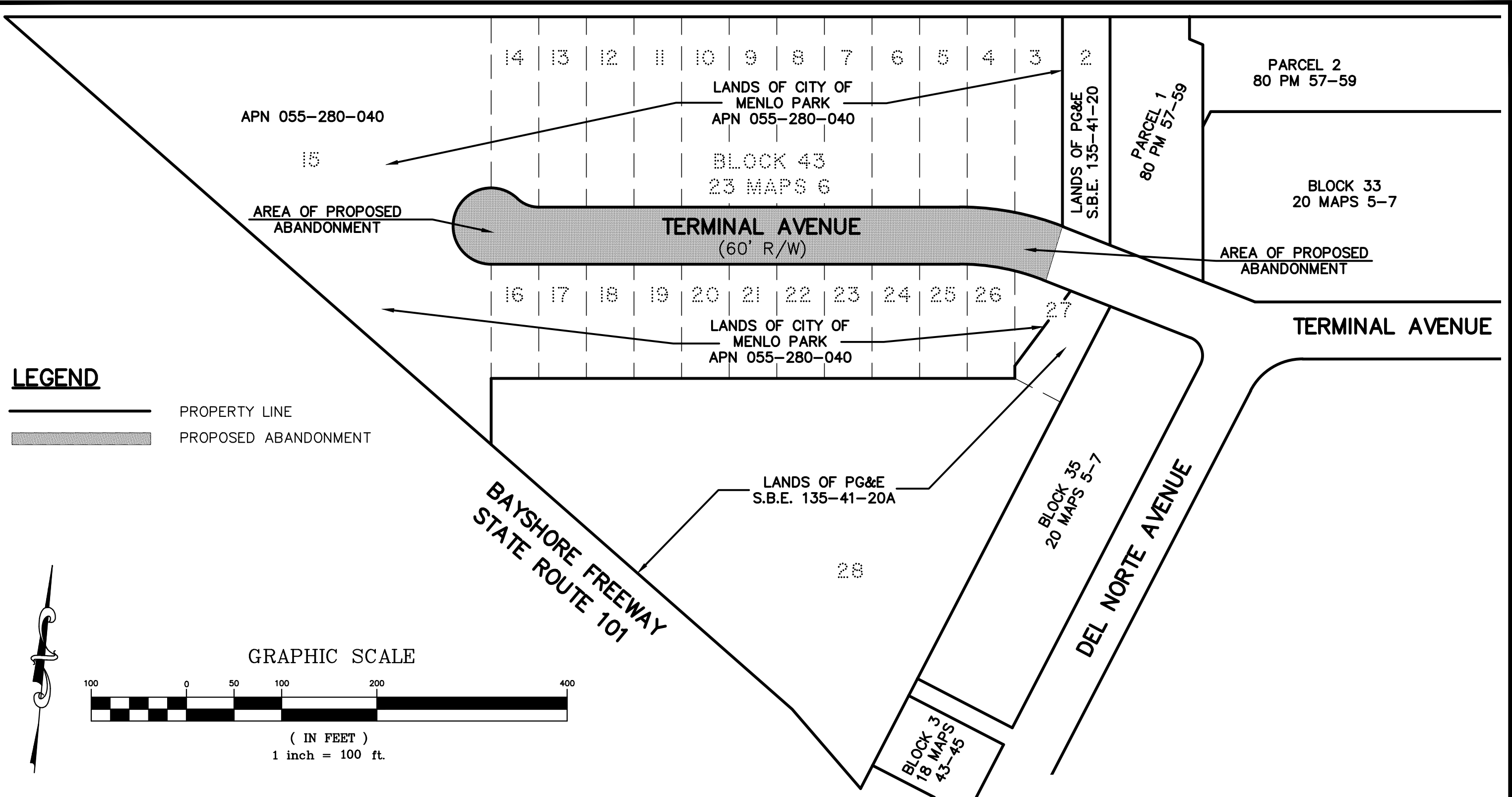
NOES:

ABSENT:



ABSTAIN:

IN WITNESS THEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this tenth day of March, 2020.

Judi A. Herren, City Clerk



LEGEND

-  PROPERTY LINE
-  PROPOSED ABANDONMENT



GRAPHIC SCALE



(IN FEET)
1 inch = 100 ft.

MacLEOD AND ASSOCIATES

CIVIL ENGINEERING • LAND SURVEYING

965 CENTER STREET • SAN CARLOS • CA 94070 • (650) 593-8580

RIGHT-OF-WAY ABANDONMENT EXHIBIT

FOR PROPOSED ABANDONMENT OF

PORTION OF TERMINAL AVENUE

MENLO PARK SAN MATEO COUNTY CALIFORNIA



PREPARED FOR: MENLO PARK PUBLIC WORKS DEPARTMENT	
DRAWN BY: DJK	DESIGNED BY: ---
CHECKED BY: DGM	DATE: 11-15-19
SCALE: 1"=100'	DRAWING NO. 4705-ROW

S. P. R. R. CO. DUMBARTON BRANCH

KNOW ALL MEN BY THESE PRESENTS:
 The undersigned hereby certify that they are the owners of the land subdivided as shown on this map; that they are the only parties having any record title interest in said land; and that they hereby consent to the preparation and recordation of this map.
 The undersigned further hereby certify that they do hereby offer for dedication for public use as a public street the land delineated and designated hereon as Terminal Ave. and that they also offer for dedication for public use the easements for public utilities under, on, along or over those certain parcels of land 5 feet wide designated Public Utility Easements ("P.U.E.") all as shown on this map.

David D. Bohannon Owner
Ophelia E. Bohannon Owner

State of California } ss
 County of San Mateo }
 On this 14 day of Sept 1940, before me D. R. Raybould
 a Notary Public in and for the County of San Mateo, State of California, residing therein, duly commissioned and sworn, personally appeared David D. Bohannon and Ophelia E. Bohannon, known to me to be the persons who executed the within instrument, and they acknowledged to me that they executed the same.
 IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written

D. R. Raybould
 Notary Public in and for the
 County of San Mateo
 State of California.

I hereby certify that the Board of Supervisors of the County of San Mateo, State of California, did at its regular meeting held on the 17 day of Sept 1940, duly approve the within map, and accepted on behalf of the public the offer of dedication of certain lands shown hereon as public streets, and the easements for public utilities all as shown on this map.
 IN WITNESS WHEREOF I have hereunto set my hand and affixed the seal of said County this 17 day of Sept 1940.

W. H. Augustus
 County Clerk and Ex-officio Clerk
 of the Board of Supervisors of the
 County of San Mateo, State of Calif.

I, M. A. Grant, Engineer of the County of San Mateo do hereby certify that I have examined the within final map; that the subdivision as shown thereon is substantially the same as it appeared on the tentative map and approved alterations thereof; that all provisions of the "Subdivision Map Act" of the State of California and of any local ordinance applicable at the time of approval of said tentative map have been complied with; and that I am satisfied that said final map is technically correct.

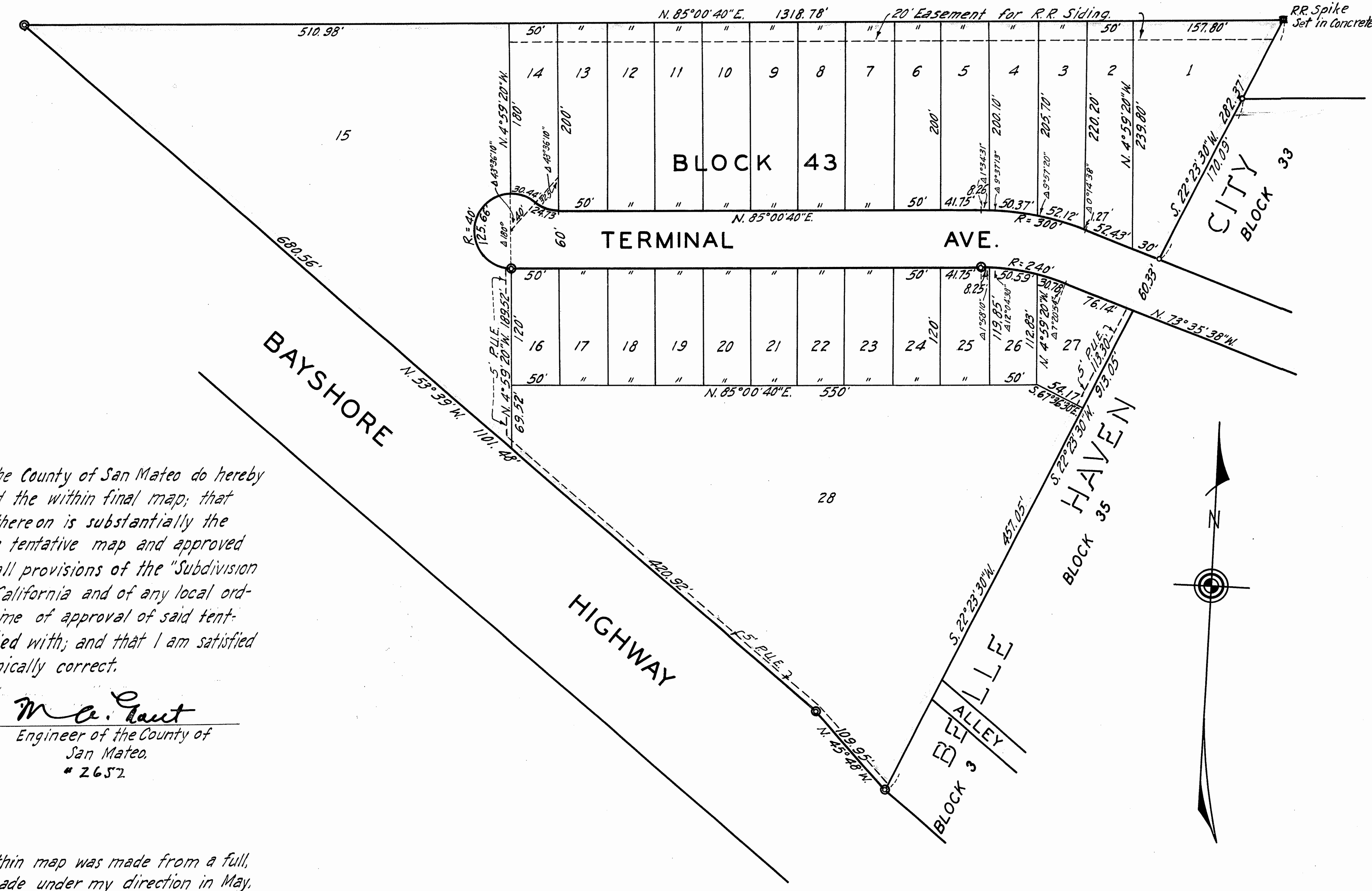
Dated May 15, 1940
M. A. Grant
 Engineer of the County of
 San Mateo.
 # 2652

I hereby certify that the within map was made from a full, true and correct survey made under my direction in May, 1940, of the lands embraced hereon, and that 3/4 inch iron pipe monuments, indicated thus © on the map have been placed on the ground in the positions indicated, and are sufficient to enable the survey to be retraced.

Willis G. Frost
 Registered Civil Engineer.
 No. 382

FILE NO. 99590 D
 Filed for record Sept. 18th A.D. 1940, at 9:50 A.M. in
 Book 23 of Official Maps at page 6 San Mateo
 County Records

T. Price
 County Recorder

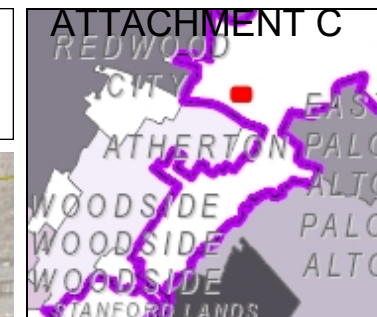


TRACT NO. 525
BELLE HAVEN CITY
 BLOCK 43
 SAN MATEO COUNTY, CALIFORNIA
 MAY 1940 SCALE 1" = 100'
 WILLIS G. FROST — CIVIL ENGINEER

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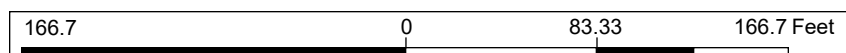


City of Menlo Park



- Legend**
- Street Names Large Scale
 - Sphere Of Influence
 - Parcels

1: 1,000



NAD_1983_StatePlane_California_III_FIPS_0403_Feet
City of Menlo Park GIS

This map is for reference purposes only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. The City of Menlo Park and its staff shall not be held responsible for errors or omissions. Please contact City staff for the most current information.

Notes