



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 11/16/2021

ITEM NO: 16

DATE: November 11, 2021
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Authorize the Town Manager to Quitclaim a 1947 Sewer Line Easement at 101 Blossom Hill Road

RECOMMENDATION:

Authorize the Town Manager to quitclaim a 1947 sewer line easement at 101 Blossom Hill Road.

BACKGROUND:

On April 23, 2021, the property owners of the parcel at 101 Blossom Hill Road (Assessor's Parcel Number 529-11-036) filed an application to request abandonment of a sewer line easement of record within the property (Attachment 2). The Grant Deed for the sewer line easement was recorded May 8, 1947 in Book 1469, Page 599, of the Official Records of the County of Santa Clara (Attachment 3), which allowed for "the privilege of constructing and maintaining a sewer line across the easterly portion of that certain property."

DISCUSSION:

The easement is said to be within the area designated as "CALIF. AUTO ASS'N" on the Record of Survey recorded July 30, 1965, in Book 198 of Maps, page 2, Santa Clara County Records (Attachment 4). The deed does not precisely describe the location of this easement. The Town is identified as one of the parties holding an interest in this 1947 sewer easement due to a transfer of the lands disclosed by the Grant Deed recorded in 1977 described as portions of the public street on North Santa Cruz Avenue adjacent to the parcel.

PREPARED BY: WooJae Kim
Town Engineer

Reviewed by: Town Manager, Assistant Town Manager, Town Attorney, Finance Director, and Director of Parks and Public Works

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DISCUSSION (continued):

Submitted as part of the application package is a letter from the West Valley Sanitation District, dated August 31, 2016, confirming that the sanitary sewer conveyance line for the adjoining properties does not utilize, nor plan to utilize, the 1947 Grant Deed easement. With the confirmation from the West Valley Sanitary District, the Town has no public interests and purpose in maintaining the sewer easement in question at 101 Blossom Hill Road.

The Streets and Highways Code Section 8333(a) permits the legislative body of a local agency, or any public officer or employee authorized or delegated by the legislative body, to summarily vacate a public service easement when the easement has not been used for "the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation."

CONCLUSION:

Staff recommends that the Town Council authorize the Town Manager to quitclaim the 1947 sewer line easement (Attachment 1) as requested by the applicant at 101 Blossom Hill Road and authorize the Town Clerk to file for recordation.

COORDINATION:

This project has been coordinated with the Town Attorney.

FISCAL IMPACT:

No fiscal impact is anticipated.

ENVIRONMENTAL ASSESSMENT:

The project is Categorically Exempt pursuant to the adopted Guidelines for the Implementation of the California Environmental Quality Act - Section 15305: Minor Alterations in Land Use Limitations.

Attachments:

1. Easement Quitclaim Deed
2. Request for Abandonment of Easement at 101 Blossom Hill Road
3. Grant Deed, Book 1469 of Official Records, Page 599
4. Record of Survey, Book 198 of Maps, Page 2, Office of the County Surveyor