

RECORDING REQUESTED BY:
Town of San Anselmo

WHEN RECORDED MAIL TO:
Town of San Anselmo
ATTN: Joanne Kessel
525 San Anselmo Ave
San Anselmo, CA 94960

RESOLUTION NO. 4019

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO VACATING
A PORTION OF A RIGHT-OF-WAY ADJACENT TO 39 MADERA AVENUE**

WHEREAS, the portion of the public right-of-way adjacent to 39 Madera Avenue in the Town of San Anselmo and described in detail in Exhibit 1 ("Subject Right-of-Way);

WHEREAS, the Town Council of the Town of San Anselmo finds that the portion of the Subject Right-of-Way is not presently needed for any public use and no public use will be required in the future;

WHEREAS, on November 13, 2012 the Town Council adopted Resolution No. 4012 ("Resolution of Intention") declaring its intention to vacate the Subject Right-of-Way;

WHEREAS, the Resolution of Intention gave notice that on Tuesday January 8, 2013 at 7:30pm in the Town Council Chambers located at 525 San Anselmo Avenue in San Anselmo, the Council would hear any and all persons interested in the vacation of the Subject Right-of-Way;

WHEREAS, the Resolution of Intention giving notice of the date, time and place of the public hearing was posted in the manner prescribed by law;

WHEREAS, notice of the proposed vacation was published in the manner prescribed by law;

WHEREAS, on January 8, 2013, at 7:30pm in the Town Council Chambers, the Town Council heard any and all persons interested in the proposed vacation of the Subject Right-of-Way and received and considered all evidence submitted;

WHEREAS, at the January 8, 2013 public hearing the Town Council had before it a report from the Planning Department for the Town of San Anselmo finding that the proposed vacation is consistent with the Town's General Plan; and

WHEREAS, the Town Council desires to reserve a public utility service easement over the Subject Right-of-Way.

NOW, THEREFORE, BE IT RESOLVED that:

SECTION 1. The Town Council hereby makes the following findings based on the staff report and all other evidence submitted:

1. The Subject Right-of-Way described in Exhibit 1 of this Resolution is not necessary for present or prospective public use.
2. Reference is made to the attached site map at Exhibit 2, which delineates the area to be vacated and the public utility service easement to be reserved.
3. The proposed vacation is consistent with the Town's General Plan.
4. A public utility service easement is reserved over the Subject Right-of Way.

SECTION 2. Based upon the findings made in Section 1 of this Resolution and provisions of the Public streets, Highways, and Service Easements vacation law (Sts & Hy Code 8300-8363), the Town Council does hereby order that the Subject


Right-of-Way shall be and hereby is vacated and excepting and reserving therefrom pursuant to the provisions of Section 8340 of the Streets and Highways Code and for the benefit of public utility companies, including but not limited to Pacific Bell Telephone Company doing business as AT&T California, Marin Municipal Water District, Pacific Gas and Electric Company and Ross Valley Sanitary District, the permanent easement and the right at any time or from time to time to construct, maintain, operate, replace, remove, renew and enlarge lines of pipe, conduits, cables, wires, poles, other convenient structures, equipment, fixtures and other utility facilities including telegraph and telephone lines, communication facilities, power lines, transformers and water lines and including access to protect the same from all hazards, in, upon, over, and across the portion of the Subject Right-of-Way being abandoned.

SECTION 3. The Town Manager is hereby authorized to arrange for recording of the Resolution, including Exhibits 1 and 2 hereto, at the Marin County Recorder's Office.

SECTION 4. The Subject Right-of-Way will no longer constitute a public right-of-way after the date of recordation of the documents identified in Section 3 of this Resolution.


The foregoing resolution was adopted at the regular meeting of the San Anselmo Town Council held on January 8, 2013, by the following vote:

AYES: Coleman, Lopin, McInerney
NOES: None
ABSENT: Greene
ABSTAIN: Kroot



Kay Coleman, Mayor

Attest:



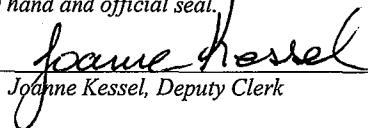
Barbara Chambers, Town Clerk
by Joanne Kessel, Deputy Clerk

State of California)
County of Marin)

On January 9, 2013 before me, Joanne Kessel, Deputy Clerk, personally appeared Kay Coleman, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the persons, or the entity upon behalf of which the person, acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature  (Seal)
Joanne Kessel, Deputy Clerk



DESCRIPTION

All that certain real property in the City of San Anselmo, County of Marin, State of California, described as follows:

A portion of Madera Avenue, as shown on that certain map entitled, "Amended Map of Sequoia Park," filed for record June 22, 1912, in Volume 4 of Maps, at Page 21, Marin County Records;

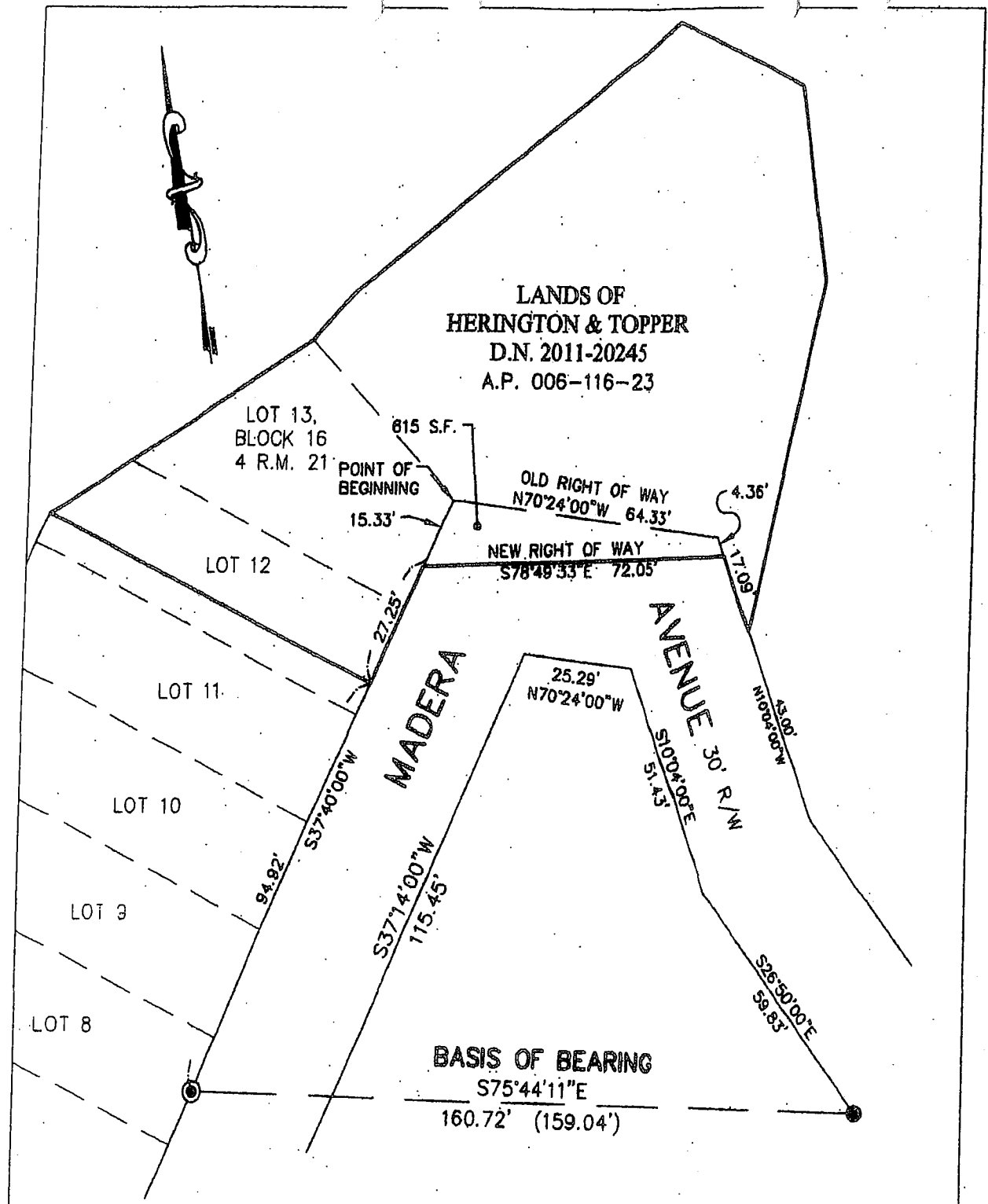
Beginning at an angle point in the northwesterly line of Madera Avenue, as shown upon said map, said angle point being the easterly corner of Lot 13, Block 16, as shown on said map, said point also being the intersection of the two courses North 70°24'00" West and South 37°40'00" West;

1. Thence along the northwesterly line of Madera Avenue South 37°40'00" West 15.33 feet;
2. Thence leaving said line South 79°00'46" East 72.05 feet to a point on the northeasterly line of Madera Avenue;
3. Thence along said line North 10°04'00" West 4.36 feet;
4. Thence North 70°24'00" West 64.33 feet to the Point of Beginning.

This description was prepared by:

Lawrence P. Doyle
P.L.S. 4694
Exp. 9/30/13

Exhibit 1



LEGEND

- ⊙ FOUND CONCRETE MONUMENT
- ⊛ FOUND 3/4" PIPE



EXHIBIT 'B'		
MADERA AVENUE		
SAN ANSELMO MARIN COUNTY CALIFORNIA		
SCALE: 1" = 30'	DRAWN BY:	
DATE: 08/13/12	LAWRENCE P. DOYLE	SHEET 2 OF 2
LAND SURVEYOR/CIVIL ENGINEER		
100 HELENS LANE MILL VALLEY CA 94941 (415-388-9585)		
DRAWING NO.		
		227-11

Exhibit 2

RESOLUTION NO. 4019

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO
VACATING A PORTION OF A RIGHT-OF-WAY ADJACENT TO 39 MADERA
AVENUE**

WHEREAS, the portion of the public right-of-way adjacent to 39 Madera Avenue in the Town of San Anselmo is described in detail in Exhibit 1 ("Subject Right-of-Way");

WHEREAS, the Town Council of the Town of San Anselmo finds that the Subject Right-of-Way is not presently needed for any public use and no public use will be required in the future;

WHEREAS, on November 13, 2012 the Town Council adopted Resolution No. 4012 ("Resolution of Intention") declaring its intention to vacate the Subject Right-of-Way;

WHEREAS, the Resolution of Intention gave notice that on Tuesday January 8, 2013 at 7:30 p.m. in the Town Council Chambers located at 525 San Anselmo Avenue in San Anselmo, the Council would hear any and all persons interested in the vacation of the Subject Right-of-Way;

WHEREAS, the Resolution of Intention giving notice of the date, time and place of the public hearing was posted in the manner prescribed by law;

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WHEREAS, at the January 8, 2013, public hearing the Town Council had before it a report from the Planning Department for the Town of San Anselmo finding that the proposed vacation is consistent with the Town's General Plan; and

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NOW, THEREFORE, BE IT RESOLVED that:

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- 2. Reference is made to the attached site map at Exhibit 2, which delineates the area to be vacated and the public utility service easement to be reserved.
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 ABSENT: Greene
 ABSTAIN: Kroot


 Kay Coleman, Mayor

Attest:

 (For Barbara Chambers)
 Town Clerk

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This description was prepared by:

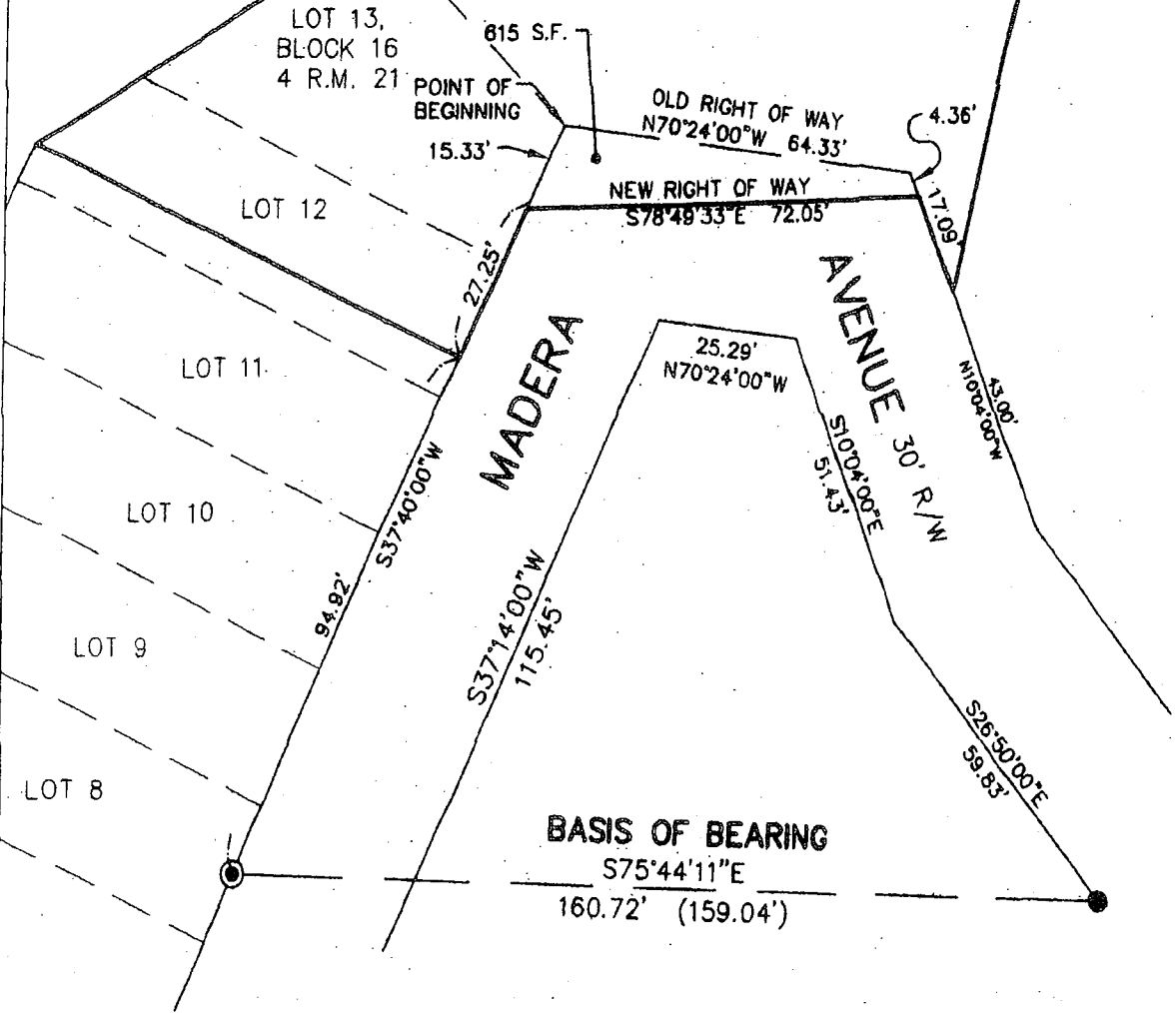
Lawrence P. Doyle

P.L.S. 4694

Exp. 9/30/13

Exhibit 1

LANDS OF
HERINGTON & TOPPER
D.N. 2011-20245
A.P. 006-116-23



LEGEND

- ⊙ FOUND CONCRETE MONUMENT
- FOUND 3/4" PIPE



EXHIBIT 'B'	
MADERA AVENUE	
SAN ANSELMO MARIN COUNTY CALIFORNIA	
SCALE: 1" = 30'	DRAWN BY:
DATE: 09/13/12	LAWRENCE P. DOYLE
LAND SURVEYOR/CIVIL ENGINEER	
100 HELENS LANE MILL VALLEY CA 94941 (415-388-9585)	
DRAWING NO.	
227-11	

Exhibit 2

NOTICE OF EXEMPTION

To: County Clerk of Marin County
County of Marin
Marin Civic Center
San Rafael, CA 94903

From: Town of San Anselmo
525 San Anselmo Avenue
San Anselmo, California 94960

Project Title: Resolution Abandoning a Portion of a Public Right-of-Way Adjacent to 39 Madera Avenue in San Anselmo

Project Location: 39 Madera Avenue in San Anselmo

Description of Nature, Purpose, and Beneficiaries of Project:

The applicant has petitioned The Town to abandon a portion of the right of way. The home and the front staircase sit over the south property line in the public right of way so the abandonment would put the Applicants home within their property line and accommodate additional parking. The additional parking would also allow the Applicants to convert their garage to living space.

Name of Public Agency Approving Project: Town of San Anselmo

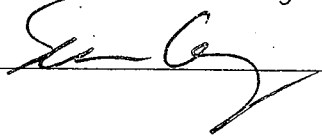
Name of Person or Agency Carrying Out Project: Sean Condry, Director of Public Works, San Anselmo Public Works Department

Exempt Status:

The adoption of this project is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15332 Class 32: In-Fill Development Projects. The project is characterized as in-fill development because it: 1) is consistent with the Town's general plan and municipal code ;2) is within the Town limits and is less than five acres; 3) has no value as habitat for endangered, rare or threatened species; 4) would not result in significant effects related to traffic, noise air quality, or water quality and; 5) can be served by all required utilities and public services.

Lead Agency Contact Person:

Sean Condry, Director of Public Works, San Anselmo Public Works Department,
Scondry@townofsananselmo.org or 415-258-4676

Signature: 

Date: 1/3/13

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