

**RESOLUTION NO. 4123**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO  
VACATING A PORTION OF A RIGHT-OF-WAY ADJACENT TO 68 AUSTIN, 5, 7, & 15  
MELVILLE, AND THE REAR FRONTAGE OF 136 OAK AVENUE IN SAN ANSELMO**

WHEREAS, the portion of the public right-of-way adjacent to 68 Austin, 5, 7, & 15 Melville, and the rear frontage of 136 Oak Avenue in the Town of San Anselmo and is 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 the Town Council adopted Resolution No. 4116 ("Resolution of Intention") declaring its intention to vacate the Subject Right-of-Way;

WHEREAS, the Resolution of Intention gave notice that on Tuesday June 9, 2015 at 7:00 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;

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

WHEREAS, on June 9, 2015, at 7:00 p.m. 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 June 9, 2015, public hearing the Town Council had before it a report from the Planning Commission for the Town of San Anselmo finding that the proposed vacation is consistent with the Town's General Plan; and

WHEREAS, public utilities exist within the Subject Right-of-Way and 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. Public utility facilities exist within a portion of the Subject Right-of-Way; therefore, a public utility service easement is reserved over the portion of the Right-of-Way.

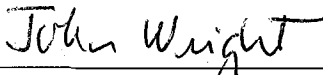
**SECTION 2.** Based upon the findings made in Section 1 of this Resolution and provisions of the Public Streets, Highways, and Service Easements Vacation Law (Sts. & Hy. Code §§ 8300-8363), the Town Council does hereby order that the Subject Right-of-Way shall be and hereby is vacated and excepting 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, and also the rights to trim and cut down trees and brush that may be a hazard to the facilities; said area shall be kept open and free of buildings, structures and wells of any kind.

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

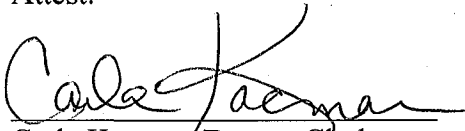
**SECTION 4.** The Subject Right-of-Way will no longer constitute a public right-of-way after the date of recordation of the documents identified in Section 3 of this Resolution.

The foregoing Resolution was adopted at the regular meeting of the San Anselmo Town Council held on June 9, 2015, by the following vote:

AYES: Wright, Kelly, Coleman, McInerney, Greene  
NOES: None  
ABSENT: None

  
\_\_\_\_\_  
John Wright, Mayor

Attest:

  
\_\_\_\_\_  
Carla Kacmar, Deputy Clerk

RIGHT OF WAY TRANSFER

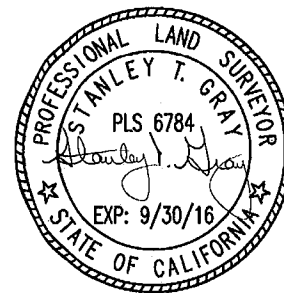
Real property situated in the Town of San Anselmo in the County of Marin, State of California, being a portion of Melville Avenue, described as follows:

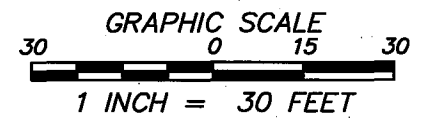
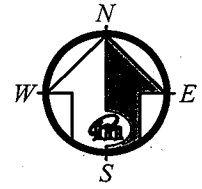
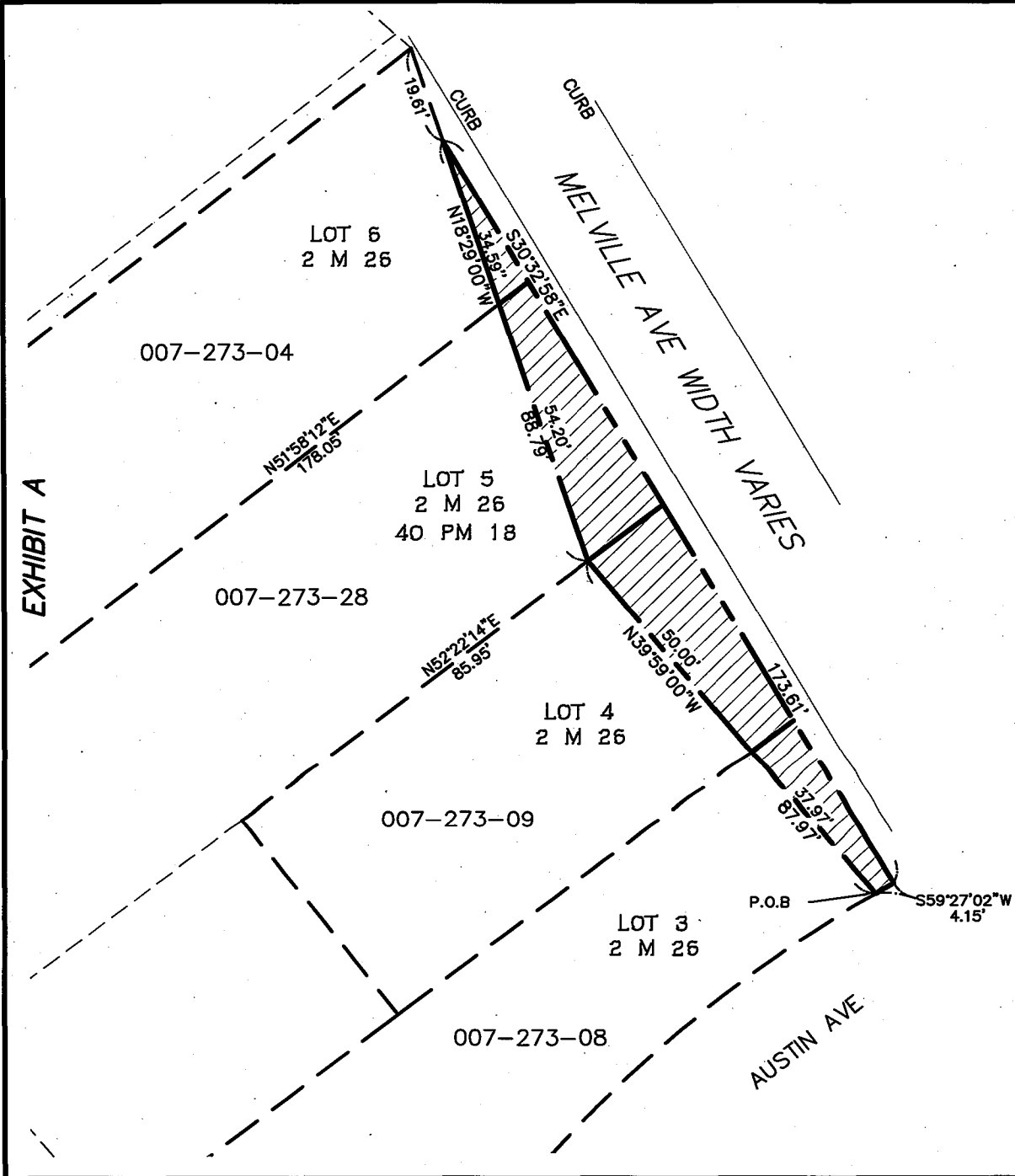
BEGINNING at a point on the westerly line of Melville Avenue, said point being the most easterly corner of Lot 3 in Block 16 as shown upon that certain map entitled "Glenwood Tract, San Anselmo, Being Subdivision Lot 1 Rosenthal Tract & Amended Map Blocks 16 & 13 Sunnyside Tract", filed for record September 17, 1906 in Volume 2 of Maps, at Page 69, Marin County Records; thence Northwesterly along said westerly line North 39° 59' 00" West a distance of 87.97 feet to the Northerly corner of Lot 4 as shown on said map (2 M 69); thence continuing along said westerly line North 18° 29' 00" West a distance of 88.79 feet to a point on the northeasterly line of Lot 6 and distant thereon 19.61 feet from the from the Northerly corner as shown on said map (2 M 69); thence leaving said westerly line of Melville Avenue South 30° 32' 58" East a distance of 173.61 feet; thence South 59° 27' 02" West 4.15 feet to the POINT OF BEGINNING.

Containing an area of 1,791 square feet, more or less.

Said transfer parcel is shown on attached Exhibit A, which is hereby made a part of this description.

Prepared December 23, 2014  
Meridian Surveying Engineering, Inc.





**REFERENCE**

GLENWOOD TRACT  
 SAN ANSELMO,  
 BEING SUBDIVISION LOT 1 ROSENTHAL  
 TRACT & AMENDED MAP BLOCKS 16  
 & 13 SUNNYSIDE TRACT  
 VOLUME 2 OF MAPS, AT PAGE 69, MARIN  
 COUNTY RECORDS.

**LEGEND**

- TRANSFER AREA
- PROPERTY LINE

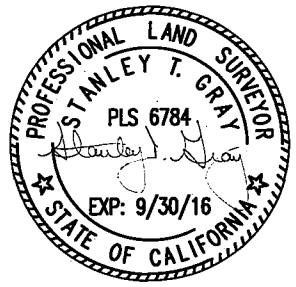
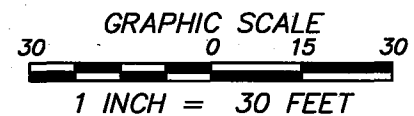
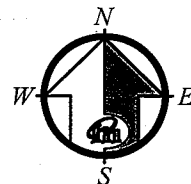
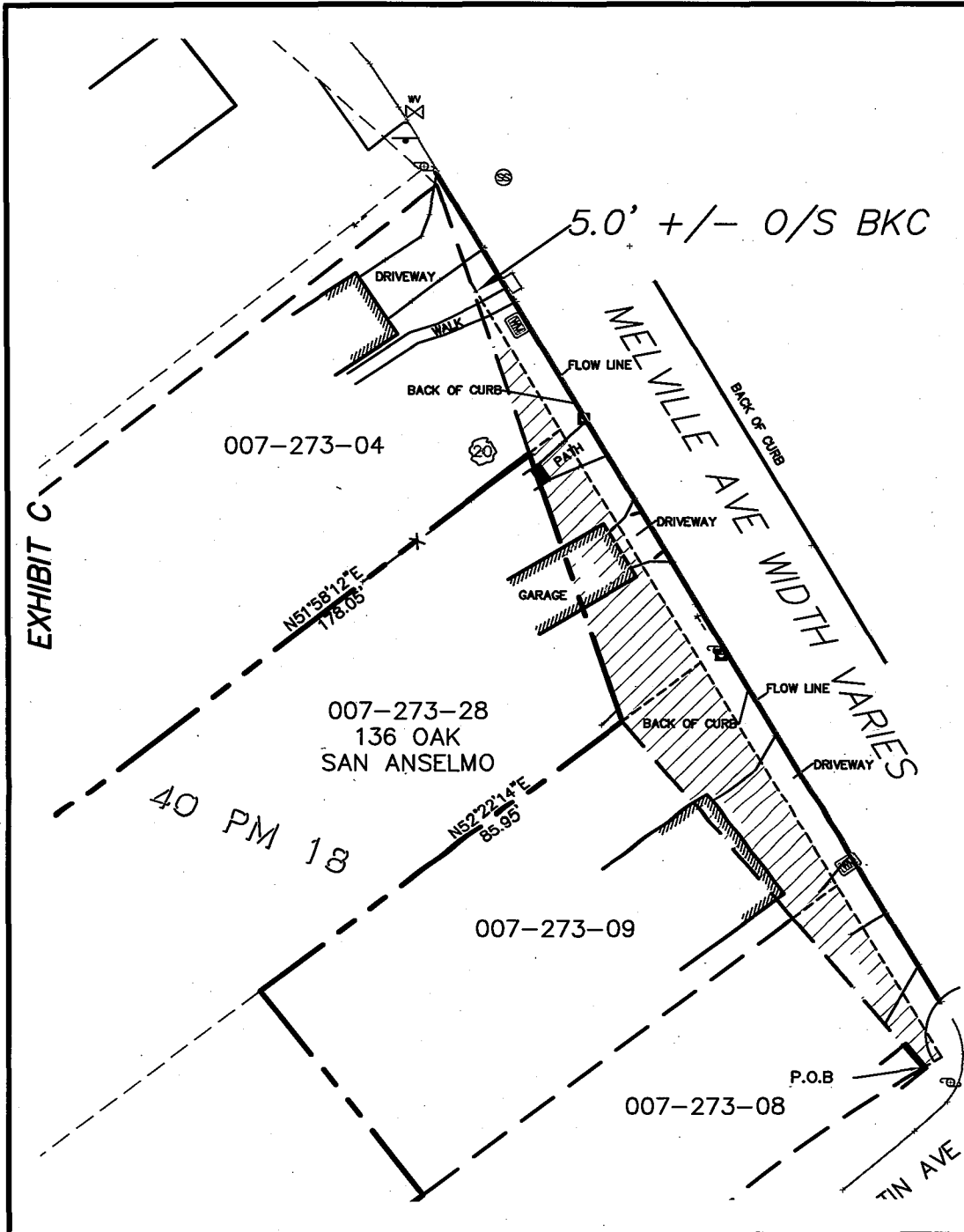
NOTE:  
 RECORD=MEASURED.

**RIGHT OF WAY TRANSFER**

**EXHIBIT A**

**M MERIDIAN SURVEYING**  
 ENGINEERING, INC.  
 2958 VAN NESS AVENUE (14027) 777 GRAND AVENUE, #202  
 SAN FRANCISCO, CA 94109 SAN RAFAEL, CA 94901  
 (415) 440-4131 info@meridiansurvey.com (415) 456-5450

Exhibit 2



**REFERENCE**

"PARCEL MAP" FILED FOR RECORD AUGUST 26, 1980 IN VOLUME 40 OF PARCEL MAPS, AT PAGE 18, MARIN COUNTY RECORDS.

**LEGEND**

- LATH SET BY CLIENT
- PROPERTY LINE
- TRANSFER AREA
- FENCE
- ADJOINER LINE

NOTE:  
RECORD=MEASURED.

**12-23-14 EXHIBIT**

**MERIDIAN SURVEYING**  
ENGINEERING, INC.

2958 VAN NESS AVENUE (14027) 777 GRAND AVENUE, #202  
SAN FRANCISCO, CA 94109 SAN RAFAEL, CA 94901  
(415) 440-4131 info@meridiansurveying.com (415) 456-5450

Exhibit 2