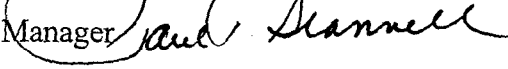


COUNTY OF SAN MATEO

County Manager's Office

DATE: February 16, 2001
Agenda Date: March 13, 2001

TO: Honorable Board of Supervisors

FROM: Paul T. Scannell, Assistant County Manager 

SUBJECT: Exchange of Public Utility Easements, Unincorporated San Carlos Area (C.O.P. 2670)

Recommendation

Adopt a Resolution authorizing the President of the Board of Supervisors to execute an agreement to exchange public utility easements of equal value with Robert J. Turman and Janet T. Turman, execute a Quitclaim Deed and accept an Easement Grant Deed.

Background and Discussion

In 1926 various 10-foot-wide public utility easements were dedicated to the County on a subdivision map in the unincorporated San Carlos area. One of these easements is on property owned by Robert and Janet Turman. The public utility easement has not been used. The owner has requested that the County exchange the portion of the public utility easement that has not been used by the County for an easement over another location on their property. The exchange of easements would relocate the existing easement from the middle of the property to the side of the property.

The exchange agreement presented for your approval provides for the County to execute a Quitclaim Deed to Robert J. Turman and Janet T. Turman for the easement not required by the County. It further requires Mr. and Mrs. Turman to execute an Easement Grant Deed to the County for the easement that is needed by the County.

State statutes require that a notice of an intended exchange of property interests be published once in a newspaper of general circulation. The notice has been published.

The Director of Public Works concurs with our recommendation.

County Counsel has reviewed and approved the agreements

Honorable Board of Supervisors
February 16, 2001
Page Two

Fiscal Impact

The easements are of equal value; therefore, there is no payment to be made by the County to the owners. Mr. and Mrs. Turman have agreed to pay \$1,000 for costs associated with processing this exchange.

cc/enc: D. Penny Bennett, County Counsel
cc: Neil Cullen, Director, Department of Public Works
Susan Durling, Executive Assistant, Department of Public Works
Lynda Green, Manager, Real Property Services
Carolyn Hamilton, Real Property Agent, Real Property Services

RESOLUTION NO. _____

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

RESOLUTION AUTHORIZING EXCHANGE OF INTERESTS IN REAL PROPERTY
OF EQUAL VALUE BETWEEN
THE COUNTY OF SAN MATEO AND ROBERT J. TURMAN AND JANET T. TURMAN
PURSUANT TO SECTION 25365 OF THE GOVERNMENT CODE
(C.O.P. NO. 2670)

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California,
that

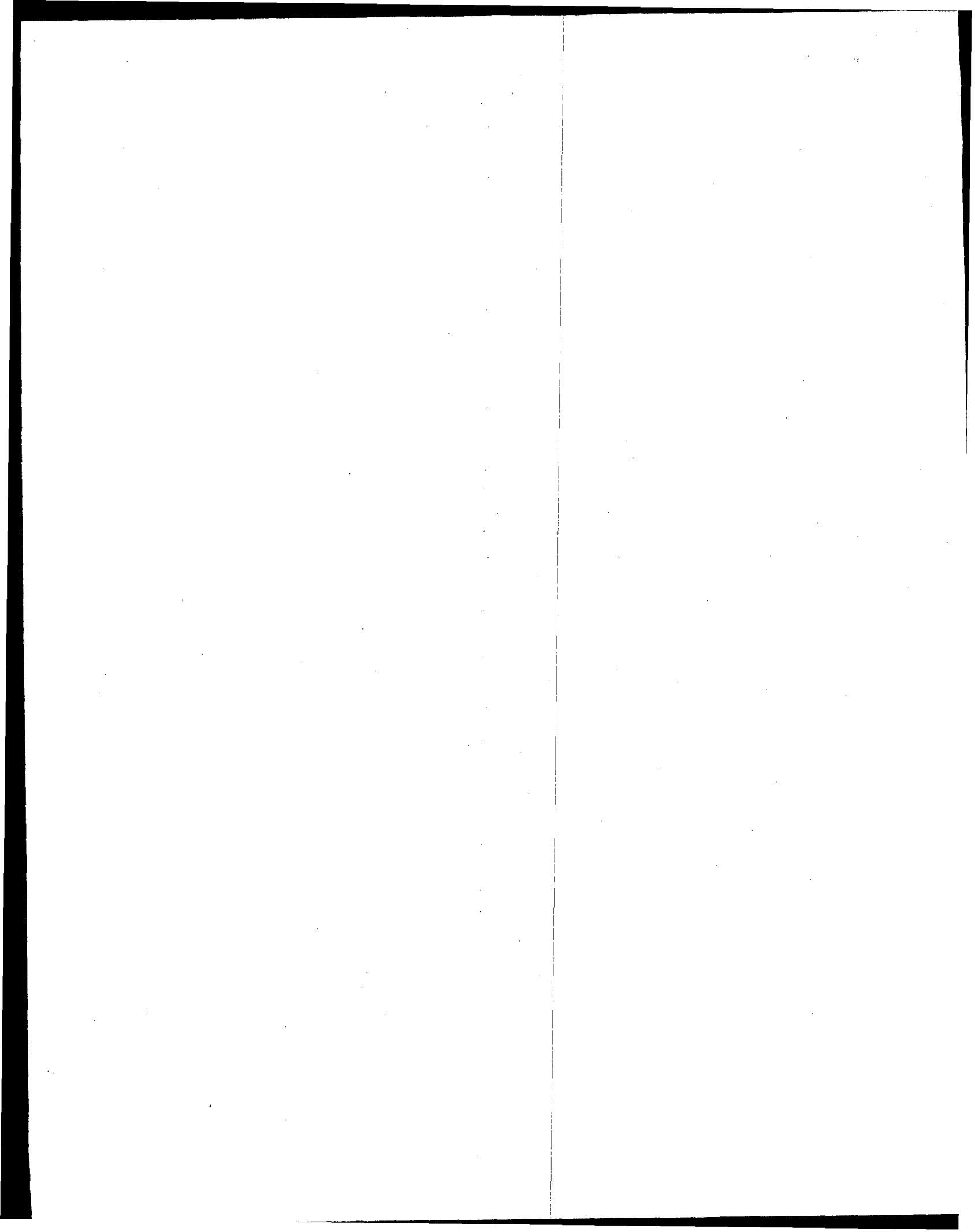
WHEREAS, Section 25365 of the Government Code authorizes this Board by four-fifths vote to exchange real property of equal value with any person, firm or corporation where the parcel of real property to be exchanged is not required for County use and the parcel of real property to be acquired is for County use; and

WHEREAS, the Clerk of the Board of Supervisors gave notice of the intended action of this Board of Supervisors pursuant to Section 6061 of the Government Code once in the San Mateo Times, a newspaper of general circulation published in the County of San Mateo in the form and manner provided by law and it appears from the affidavit of publication on file with the Clerk of the Board that said notice of intention has been given in the form and manner provided by law as aforesaid; and

WHEREAS, said notice of intention set TUESDAY, the thirteen of March, 2001, at the regular meeting of the Board of Supervisors beginning at 9:00 a.m. in the Supervisors' Chambers in the Hall of Justice of Records, 400 County Center, Redwood City, California;

WHEREAS, the County of San Mateo is the owner of an interest in a certain public utility easement over the property described in Exhibit "A";

WHEREAS, said public utility easement was dedicated to the County on the Subdivision



Map entitled "Devonshire Properties of Municipal Properties Company - Amended and Supplementary Map of Subdivision Number Six", which map was filed in the Office of the San Mateo Recorder on April 13, 1926 in Book 13 of Maps at 52 through 55, said easement being described in Exhibit "A" attached hereto and incorporated herein by reference as though fully set forth at length; and

WHEREAS, Robert J. Turman and Janet T. Turman are the owners of the certain interest in real property (public utility easement) located in the unincorporated area of San Mateo County, described in Exhibit "B" attached hereto and incorporated herein by reference; and

WHEREAS, the public utility easement described in Exhibit "A" is not required for County use and the public utility easement described in Exhibit "B" is required for County use and the easements are of equal value; and

WHEREAS, it is necessary and desirable that this Board authorize the exchange of the easement described in Exhibit "A" for the easement described in Exhibit "B" as hereinafter provided; and

NOW, THEREFORE, IT IS HEREBY DETERMINED AND ORDERED as follows:

1. That the County shall exchange said interests in real property (public utility easements) described in the attached Exhibits "A" and "B", pursuant to the terms and conditions stated in the Exchange Agreement. The interest in real property to be exchanged is not required for County use and the interest in real property to be acquired is required for County use. The easements are of equal value.

2. That the President of the Board of Supervisors shall, and is hereby directed to execute the Exchange Agreement with Robert J. Turman and Janet T. Turman, execute a Quitclaim Deed to Robert J. Turman and Janet T. Turman for the property described in Exhibit "A" attached hereto and accept the Easement Grant Deed from Robert J. Turman and Janet T. Turman for the real property

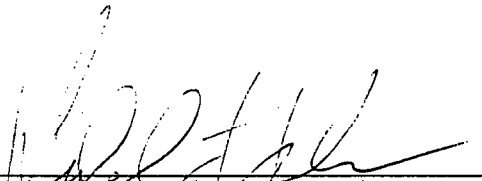
described in Exhibit "B" attached hereto, all pursuant to Government Code Section 25365 of the Government Code. Said agreement and Quitclaim Deed shall be executed by the President of the Board of Supervisors for and on behalf of the County of San Mateo, and the Clerk of the Board will attest to his signature thereto.

EXHIBIT "A"

That certain easement dedicated for construction, maintenance and operation of sanitary or storm water sewers, and also designated as an easement for sewer, water, gas, telephone and electric lines, as said easement is shown on that certain map entitled "Devonshire Properties of Municipal Properties Company - Amended and Supplementary Map of Subdivision Number Six", which map was filed in the Office of the San Mateo County Recorder on April 13, 1926 in Book 13 of Maps at Pages 52 through 55; more particularly described as follows:

A 10-foot-wide easement lying 5 feet on either side of Lots 11 and 12 in Block 31 as said Lots and Block are shown on the above referenced map.

EXCEPTING THEREFROM the northerly 5 feet of said 10-foot-wide easement.


Michael F. Jackson, P.L.S. 4705

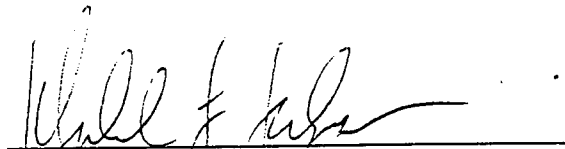
Date: 2/21/01



EXHIBIT "B"

An easement for public utilities with the right of ingress and egress thereto described as follows:

Beginning at the northeast corner of that parcel described in Grant Deed recorded October 14, 1994 in Volume 94160897, Official Records of San Mateo County, said corner lying in the northerly line of Lot 11, Block 31, "Devonshire Properties of Municipal Properties Company Amended and Supplementary Map of Subdivision Number Six" recorded April 13, 1926 in Volume 13, Subdivision Maps of San Mateo County, Pages 52 through 55; thence along the easterly boundary of said parcel and crossing Lot 11 South 8° 08' 30" East 296.89 feet to a point on the northerly line of Devonshire Boulevard as shown on said map; thence along said northerly line of Devonshire Boulevard South 83° 47' West 10.00 feet; thence leaving said northerly line North 8° 08' 30" West 295.37 feet to the abovementioned northerly line of Lot 11; thence along said line North 71° 38' East 10.15 feet to the Point of Beginning.


Michael F. Jackson, P.L.S. 4705

Date: 2/1/01



AGREEMENT FOR EXCHANGE OF INTERESTS IN REAL PROPERTY
OF EQUAL VALUE BETWEEN ROBERT J. TURMAN AND JANET T. TURMAN AND
SAN MATEO COUNTY UNDER AND PURSUANT TO
SECTION 25365 OF THE GOVERNMENT CODE
(C.O.P. No. 2670)

THIS AGREEMENT is entered into this _____ day of _____, 2001, by and between the COUNTY OF SAN MATEO, a political subdivision of the State of California, hereinafter called "County" and Robert J. Turman and Janet T. Turman hereinafter called "Turman".

WITNESSETH:

WHEREAS, Section 25365 of the Government Code authorizes the Board of Supervisors of a County, by a four-fifths vote, to exchange interests in real property of equal value with any person where the interest in the real property to be exchanged is not required for County use and interest in the real property to be acquired is required for County use; and

WHEREAS, a public utility easement was dedicated to the County on the Subdivision Map entitled "Devonshire Properties of Municipal Properties Company - Amended and Supplementary Map of Subdivision Number Six", which map was filed in the Office of the San Mateo County Recorder on April 13, 1926 in Book 13 of Maps at Pages 52 through 55, a portion of said easement being described in Exhibit "A" attached hereto and incorporated herein by reference as though fully set forth at length; and

WHEREAS, Turman are the owners of that certain interest in real property more particularly described in Exhibit "B" attached hereto and incorporated herein by reference as though fully set forth at length; and

WHEREAS, there are no public utility facilities within the public utility easement described in Exhibit "A"; and

WHEREAS, the public utility easement described in Exhibit "B" will provide County with a substitute location for any future utilities that would have been provided for within the easement described in Exhibit "A"; and

WHEREAS, said interest in real property described in Exhibit "A" is no longer required for County use and said interest in real property described in Exhibit "B" is required for County use and it appears that said interests are of equal value; and

WHEREAS, it is necessary and desirable that the parties hereto provide for the exchange of said interest in real property described in Exhibit "A" in return for said interest in real property described in Exhibit "B" as hereinafter provided:

NOW, THEREFORE, IT IS HEREBY AGREED BY THE PARTIES HERETO as follows:

1. CONVEYANCE OF REAL PROPERTY BY TURMAN. In consideration of the conveyance of the certain interest in real property (public utility easement) by County as hereinafter provided, Turman agrees to convey to County by deed the certain interest in real property (public utility easement) more particularly described in Exhibit "B". Both parties agree that in the event utilities are placed within the easement area described in said Exhibit "B" any site improvements placed within the area by Turman shall be subject to removal to accommodate placement of utilities. Any such site improvement removed for utility installation, placement or maintenance shall be replaced at the expense of Turman. This provision shall be a covenant running with the land.
2. CONVEYANCE OF INTEREST IN REAL PROPERTY BY COUNTY. In consideration of the conveyance of said interest in real property (public utility easement) as hereinabove provided in paragraph 1 of this agreement, County agrees to quitclaim to Turman, the certain interest in real property (public utility easement) more particularly described in Exhibit "A".
3. PROCESSING FEE. County acknowledges receipt of the amount of \$1,000 paid by Turman to cover County's administrative costs incurred in processing this agreement. Said fee does not cover the costs listed in Paragraph No. 4 below.
4. Each party agrees to bear its own costs of any escrow fees, title insurance, recording fees and transfer tax incurred in this transaction.
5. The parties agree that County shall record this Agreement in the Office of the San Mateo County Recorder.

IN WITNESS WHEREOF the parties hereto have affixed their hand the day and year written below.

Signatures follow on next page

"TURMAN"

By: Robert J. Turman
Robert J. Turman

Date: 2-16-01

By: Janet T. Turman
Janet T. Turman

Date: 2-16-01

"COUNTY"

President, Board of Supervisors

Attest:

Clerk of the Board of Supervisors

Certificate of Delivery

I certify that a copy of the original document filed in the Office of the Clerk of the Board of Supervisors of San Mateo County has been delivered to the President of the Board of Supervisors.

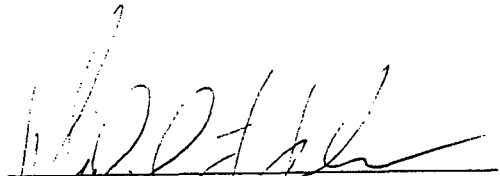
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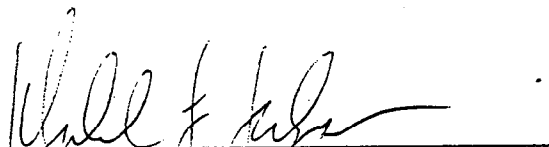
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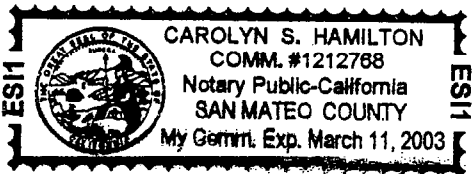


CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }
 County of San Mateo } ss.

On February 16, 2001, before me, Carolyn S. Hamilton, notary
Date Name and Title of Officer (e.g., "Jane Doe, Notary Public")
 personally appeared Robert J. Torman and Janet T. Torman
Name(s) of Signer(s)

- personally known to me
- proved to me on the basis of satisfactory evidence



to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she~~they executed the same in his/~~her~~their authorized capacity(ies), and that by his/~~her~~their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Carolyn S. Hamilton

Place Notary Seal Above

Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney in Fact
- Trustee
- Guardian or Conservator
- Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT OF SIGNER

Top of thumb here