

# COUNTY OF SAN MATEO

## Inter-Departmental Correspondence

Date: October 23, 2001

Board Meeting Date: November 6, 2001

**TO:** Honorable Board of Supervisors

**FROM:** Neil R. Cullen, Director of Public Works

**SUBJECT:** Agreement with Property Owner at 14655 Pescadero Creek Road –  
La Honda Area

### RECOMMENDATION

Adopt a resolution acknowledging that the agreement entered into on April 20, 1999, with Ms. Pamela Patek, owner of the property at 14655 Pescadero Creek Road, regarding two redwood trees located adjacent to her property, has been extinguished as she has complied with the terms of the agreement.

### Previous Board Action

Authorized the President of the Board to execute an agreement with Ms. Patek, which provided for the retention of two redwood trees that had moved down slope in the slide area adjacent to her property.

### Key Facts

1. Ms. Patek has complied with the terms of the agreement and she has requested that the agreement between the County and herself be rescinded.
2. County Counsel has determined that the agreement is extinguished since the terms of the agreement have been met.
3. We are recommending that a resolution be adopted by your Board to provide the property owner with official documentation that the County acknowledges that the terms of the agreement have been met and the agreement is extinguished.

### Discussion

Ms. Patek entered into an agreement with the County, as she wanted to preserve two redwood trees adjacent to her property that had moved down slope as a result of a slide, but which had remained vertical. The terms of the agreement provided that Ms. Patek would be responsible for removing the two trees if they showed

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signs of dying within two years. The trees did show signs of dying and Ms. Patek had the trees removed. She has now requested that the agreement be rescinded since the terms of the agreement have been met. County Counsel has advised that the agreement has been extinguished and it is not necessary to rescind the agreement. We are recommending that your Board adopt a resolution to provide Ms. Patek with official documentation that the County acknowledges that the terms of the agreement have been met.

**Fiscal Impact**

There is no impact to the General Fund or any other fund of the County by your Board adopting a form of resolution approved by County Counsel.



Neil R. Cullen  
Director of Public Works

NRC:AMS:sdd

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cc: Pamela Patek  
P.O. Box 341  
La Honda, CA 94020-0341  
Milt Mares, County Counsel

Resolution No. \_\_\_\_\_

**Board of Supervisors, County of San Mateo, State of California**

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**Resolution Acknowledging that the Agreement between the County and Ms. Pamela Patek, the Owner of the Property at 14655 Pescadero Creek Road, Regarding the Maintenance of Two Redwood Trees, Has Been Extinguished**

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

**WHEREAS**, Pamela Patek, the owner ("Owner") of real property in the County of San Mateo, State of California, more particularly described as 14655 Pescadero Creek Road (APN 083-210-110) in La Honda, entered into an agreement with the County on April 20, 1999, which provided for the maintenance of two redwood trees on County property, west of Owner's house; and

**WHEREAS**, said agreement provided that Owner would accept responsibility for removal of the trees during the first two years after execution of the agreement if the trees died or showed signs of declining health; and

**WHEREAS**, the trees died before the two year period elapsed and the Owner had the trees removed at her expense as provided by the terms of said agreement; and

**WHEREAS**, Owner has requested that the County acknowledge that the terms of the agreement have been met; and

WHEREAS, this Board is willing to accommodate the Owner's request:

**NOW, THEREFORE, IT IS HEREBY DETERMINED** that the provisions of said agreement entered into by the County and Owner have been met and the agreement is thereby extinguished.

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