

RESOLUTION NO. 2015-26

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS
ABANDONING A CERTAIN SCENIC EASEMENT DEDICATED TO THE
CITY BY THE TRACT MAP NO. 3107, MADELAINE COURT, FILED MARCH
13, 1962, IN BOOK 144 OF MAPS, PAGE 10, SANTA CLARA COUNTY RECORDS**

WHEREAS, the owners of the properties at 2050 and 2051 Madelaine Court initiated an application (15-SD-01) to request that the City abandon a scenic easement that encumbers the subject properties; and

WHEREAS, a scenic easement (“Easement”) for the preservation of natural beauty of the area was dedicated to the City of Los Altos (“City”) in Tract No. 3107, Madelaine Court subdivision and said map was recorded on March 13, 1962, Book 144 of Maps, page 10, Santa Clara County Records, as described in Exhibit “A” attached hereto; and

WHEREAS, Streets and Highways Code section 8313 and Government Code section 65402 provide a process for abandoning a publically dedicated easement; and

WHEREAS, on June 4, 2015, the Planning and Transportation Commission resolved pursuant to Streets and Highways Code section 8313 and Government Code section 65402, that the Easement is not necessary for present or prospective public use, and that the vacation of the Easement would be consistent with the City’s General Plan; and

WHEREAS, public notice of the hearing was made pursuant to the Streets and Highway Code section 8322; and

WHEREAS, the posting of the notice of abandonment was made pursuant to Streets and Highway Code section 8323; and

WHEREAS, the City Council set and conducted a duly noticed public hearing pursuant to Streets and Highway Code section 8320 *et seq.* to consider the proposed abandonment; and

WHEREAS, the proposed Easement abandonment as set forth below has been reviewed and considered by the City Council in accordance with the provisions of the California Environmental Quality Act of 1970, as amended (“CEQA”), and the guidelines promulgated thereunder and, further, said Council finds that it can be seen with certainty that there is no possibility that said abandonment may have a significant effect on the environment and said amendments are therefore exempt from the requirements of the CEQA pursuant to Section 15305 because it involves a minor alteration to a land use limitation; and

WHEREAS, the location and custodian of the documents or other material which constitute the record of proceedings upon which this project approval is based is the office of the City Clerk.

NOW THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos hereby finds, pursuant to Streets and Highways Code section 8313 and Government Code section 65402, that:

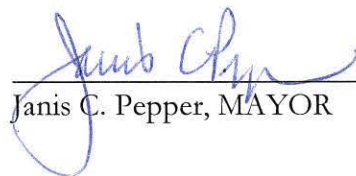
- a. Abandonment of the Easement is in the best public interest because removal will provide for uniform application of the City's Zoning Code;
- b. The Easement is unnecessary for present or prospective public use, and abandonment of the Easement is consistent with the City's General Plan; and
- c. Abandonment of the Easement is consistent with the General Plan because the goals and policies related protecting creekside areas would remain in effect.

NOW THEREFORE, BE IT FURTHER RESOLVED, the City Council of the City of Los Altos finds as follows:

- a. That the scenic easement dedicated to the City by Tract No. 3107 filed March 13, 1962, in Book 144 of Maps, page 10, Santa Clara County Records, is now no longer necessary because it has not been used for the purpose for which it was dedicated for five (5) consecutive years immediately preceding the requested abandonment, and there are no other public facilities located within the easement.
- b. That the City Council, pursuant to Streets and Highway Code, Chapter 4, Section 8330 et seq., hereby orders the abandonment of the scenic easement described in Exhibit "A" attached hereto; and
- c. This Resolution shall become effective on the 28th day of July, 2015 and shall be recorded by the City Clerk in the Santa Clara County Recorder's Office shortly thereafter; and
- d. From and after the date this Resolution is recorded in the Santa Clara County Recorder's Office, the scenic easement shall no longer constitute a scenic easement and the land subject to the scenic easement shall revert to the properties located at 2050 Madelaine Court, Los Altos, California, APN 342-10-059 and 2051 Madelaine Court, Los Altos, California, APN 342-10-058, pursuant to Streets and Highway Code Section 8351.

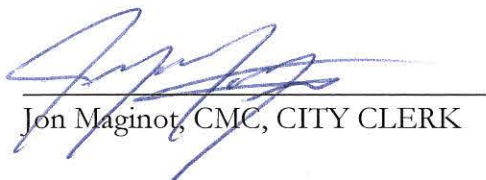
I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a meeting thereof on the 28th day of July, 2015 by the following vote:

AYES: BRUINS, MORDO, PEPPER, PROCHNOW, SATTERLEE
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE



Janis C. Pepper, MAYOR

Attest:



Jon Maginot, CMC, CITY CLERK