



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: Sanitation

Prepared by: Doris Toy
District Manager/Engineer

City Manager Approval: 

TOPIC: QUITCLAIM OF A SEWER EASEMENT AT 1075 FRANCISCO BOULEVARD EAST

SUBJECT: RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL ELECTING TO VACATE THE 20-FOOT SEWER EASEMENT AND AUTHORIZING EXECUTION OF A QUITCLAIM DEED AT 1075 FRANCISCO BOULEVARD EAST, APN 009-191-37, SAN RAFAEL, CALIFORNIA

RECOMMENDATION:

Adopt the resolution electing to vacate the 20-foot sewer easement and authorizing execution of a quitclaim deed at 1075 Francisco Boulevard East, Assessor Parcel Number (APN) 009-191-37, San Rafael, California.

BACKGROUND:

In 2021, Marin Hospitality, owner of APN 009-191-37, submitted proposed plans to the San Rafael Sanitation District (“District”) requesting that the existing sewer main and related 20-foot sewer easement, which crossed its property, be relocated to the edge of the property. They were planning to build a hotel, and a portion of the proposed building would be on top of the existing sewer main in the easement.

ANALYSIS:

Marin Hospitality has submitted plans designed by a registered Civil Engineer and has relocated the sewer main to the edge of the property per the approved plans. Marin Hospitality has granted a new sewer easement for the newly installed sewer main to the San Rafael Sanitation District; and it has been accepted by the District Board at their September 20, 2024, San Rafael Sanitation District Board meeting.

Given that the sewer main has been relocated and that Marin Hospitality has executed a new sewer easement for the relocated sewer main, the City no longer has any use for the easement in the former location of the sewer main, and the City seeks to vacate the old easement.

Vacating this easement will not affect the San Rafael Sanitation District’s ability to maintain its infrastructure. The District will still have the access it needs to the sanitary sewer system with the replacement easement.

FOR CITY CLERK ONLY

Council Meeting: October 7, 2024

Disposition: Resolution XXXXX

The proposed resolution authorizes the City Manager to execute a quitclaim deed to vacate the sewer easement.

FISCAL IMPACT:

No additional fiscal impact will result from the adoption of this resolution.

RECOMMENDED ACTION:

Adopt the resolution electing to vacate the 20-foot sewer easement and authorizing execution of a quitclaim deed at 1075 Francisco Boulevard East, Assessor Parcel Number (APN) 009-191-37, San Rafael, California.

ATTACHMENT:

1. Resolution

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL ELECTING TO VACATE THE 20-FOOT SEWER EASEMENT AND AUTHORIZING EXECUTION OF A QUITCLAIM DEED AT 1075 FRANCISCO BOULEVARD EAST, APN 009-191-37, SAN RAFAEL, CALIFORNIA

WHEREAS, there exists a 20-foot sewer easement on 1075 Francisco Boulevard East, APN 009-191-37 (the "Property"), San Rafael, as recorded in Book 1913, Page 340, with the County on February 25, 1965; and

WHEREAS, the easement is more particularly described in Exhibit A, attached hereto and incorporated herein by reference; and

WHEREAS, development of a proposed new hotel would have placed the new building over the existing sewer easement and existing sewer main; and

WHEREAS, the existing sewer main has been abandoned and a new sewer main has been installed to reroute the wastewater; and

WHEREAS, on September 20, 2024, the owner of 1075 Francisco Boulevard East, APN 009-191-37, San Rafael, executed a grant of easement over a different portion of the Property more particularly described in Exhibit B and shown in Exhibit C for a relocated 20-foot sewer easement through which the new sewer main runs.

NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:

That the City Council of the City of San Rafael, California, hereby authorizes the vacation of the sewer easement at 1075 Francisco Boulevard East, APN 009-191-37, San Rafael, described in Exhibit A, and authorizes the City Manager to execute and cause recordation of a quitclaim deed vacating such easement and to take all other actions necessary to effectuate the purposes of this resolution.

I, LINDSAY LARA, Clerk of the City of San Rafael, California, hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a regular meeting of the Council of said City held on the 7th day of October 2024, by the following vote, to wit:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

LINDSAY LARA, City Clerk

ATTACHMENTS

1. Exhibit A – Description of Easement Recorded in 1965
2. Exhibit B – Description of Easement Recorded in 2024
3. Exhibit C – Depiction of Easement Recorded in 2024

6192
RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO

6192

RECORDED AT REQUEST OF
City of San Rafael

AT 3:50 MIN PAST 2 P.M.

FEB 25 1965

Official Records of Marin County, Calif.

BOOK 1913 PAGE 340

N. J. Guicomini
RECORDER

SPACE ABOVE THIS LINE FOR RECORDER'S USE

AFFIX I.R.S. \$ IN THIS SPACE

GRANT DEED

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

KERNER-BELLAM REALTY CO., a California corporation

hereby GRANT(S) to

CITY OF SAN RAFAEL, a municipal corporation

the following described real property in the City of San Rafael,
County of Marin, State of California:

Easement No. 1

An easement 10 feet in width measured at right angles from and Northerly of the following described line: BEGINNING at a point which bears North 20° 28' East 52.32 feet, South 69° 32' East 45.00 feet and South 77° 45' East 146.50 feet from the most Southerly corner of lot 9 in Block B as said Lot and Block are shown on "Arthur G. Duncan's Resubdivision of Easterly Portions of Blocks 12 and 13, East San Rafael, recorded December 10, 1910 in Volume 3 of Maps at page 63, Marin County Records; thence from said point of beginning South 77° 45' East 169.24 feet.

Easement No. 2

An easement 20 feet in width 10 feet on each side of the following described line: BEGINNING at a point in the center line of future Kerner Boulevard, said point being the Easterly terminus of the foregoing Easement No. 1; thence from said point of beginning South 20° 28' West 123.36 feet; thence along a curve to the left of radius 400 feet through a central angle of 60° 14' an arc distance of 420.51 feet; thence South 39° 49' East 52.40 feet; thence South 54° 24' 04" West 150.71 feet; thence along a curve to the left of radius 200 feet through a central angle of 4° 15' 49" an arc distance of 14.88 feet; thence South 50° 09' 15" West 160.15 feet more or less to the edge of the frontage road along State Road 69 known as Francisco Boulevard.

BOOK 1913 PAGE 340

OFFICIAL RECORDS COUNTY OF MARIN

Dated: Feb. 9 - 1965

STATE OF CALIFORNIA }
COUNTY OF Marin } ss.

On February 9, 1965 before me, the undersigned, a Notary Public in and for said County and State, personally appeared _____

_____ known to me to be the person whose name _____ subscribed to the within instrument and acknowledged that _____ executed the same.

WITNESS my hand and official seal.

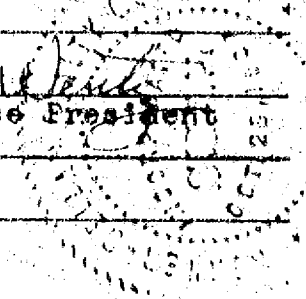
(Seal)

Signature _____

KERNER-BELLAM REALTY CO., a California corporation

BY: George W. Kerner President

BY: Glenn P. Wentz Vice President



STATE OF CALIFORNIA,

County of Marin } ss.

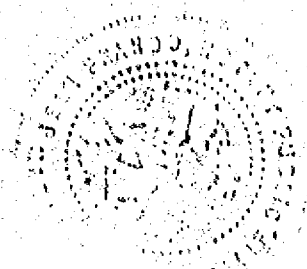
On this 9th day of February in the year one thousand nine hundred and Sixty-Five

before me, Jean Prando, a Notary Public, State of California, duly commissioned and sworn, personally appeared George W. Kerner and Glenn P. Wentz

known to me to be the President and Vice President of the corporation described in and that executed the within instrument, and also known to me to be the person who executed the within instrument on behalf of the corporation therein named, and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and affixed my official seal in the County of Marin the day and year in this certificate first above written.

Jean Prando Notary Public, State of California.



OFFICIAL RECORDS COUNTY OF MARIN

RESOLUTION NO. 3194

RESOLUTION ACCEPTING GRANT OF SEWER EASEMENT

WHEREAS, public interest, convenience, and welfare require that the easement hereinafter mentioned be accepted and used for the benefit of the public of the City of San Rafael, California;

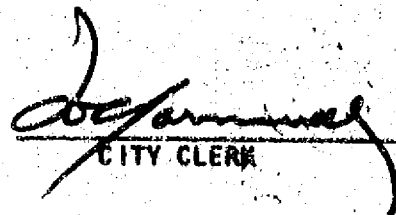
NOW THEREFORE, be it hereby resolved by the City Council of the City of San Rafael, California, that that certain grant of right-of-way for the maintenance, repair, reconstruction and renewal of the public sanitary sewer, executed by KRNER-BELLAM REALTY CO., a California corporation to the City of San Rafael, dated February 9, 1965, be, and the same is hereby accepted and the Clerk of said City is hereby directed to cause said conveyance to be duly recorded in the office of the County Recorder of the County of Marin, State of California, forthwith upon the adoption of this resolution.

I, W. CLIFFORD CORNWELL, Clerk of the City of San Rafael, California hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a regular meeting of the Council of said City held on Monday, the 15th day of February, 1965, by the following vote, to-wit:

AYES: COUNCILMEN Avy, Barber, Jensen, and Mayor McInnis

NOES: COUNCILMEN none

ABSENT: COUNCILMEN Bar


CITY CLERK

ORIGINAL

Legal Description of Easement Area

SANITARY SEWER EASEMENT

Legal Description

A 20 foot wide Public Sanitary Sewer Easement over a portion of "Parcel 1" as said parcel is shown and delineated on "Parcel Map" filed July 2, 2021 in Book 2021 of Maps at Page 115, Marin County Records, said easement being particularly described as follows:

Beginning at a 3/4 inch iron pipe tagged LS 7237 marking the most easterly corner of the lands of Marin Hospitality, Inc. a California corporation as described by deed recorded November 28, 2018 under Official Records Document Number 2018-0040640, Marin County Records; thence along the southeasterly line of said lands, S 20°35'47" W, 30.91 feet, to a 3/4 inch iron pipe tagged LS 7237; thence continuing along said southeasterly line, along the arc of a non-tangent curve to the right as shown on "Parcel Map" filed July 2, 2021 in Book 2021 of Maps at Page 115, Marin County Records, whose center bears N 69°32'00" W, with a radius of 292.50 feet, through a central angle of 29°13'22", an arc length of 149.18 feet, to a 3/4 inch iron pipe tagged LS 7237; thence continuing along said southeasterly line, S 49°41'22" W, 40.03 feet; thence leaving said southeasterly line N 40°18'38" W, 20.00 feet; thence northeasterly, parallel with the said southeasterly line, 20.00 feet northwesterly from, measured at right angles to said southeasterly line, N 49°41'22" E, 40.03 feet; thence along the arc of a curve to the left, tangent with the last preceding course, with a radius of 272.50 feet, through a central angle of 29°13'22", an arc length of 138.98 feet; thence N 20°28'00" E, 7.82 feet; thence parallel with and southwesterly of, measured at right angles to the northeasterly line of said lands of Marin Hospitality, Inc., N 77°43'38" W, 143.01 feet; thence N 12°16'22" E, 20.00 feet, to a point on said northeasterly line; thence along said northeasterly line, S 77°43'38" E, 166.17 feet, to the point of beginning, affecting an area of 7,162 square feet, more or less.

Affects a portion of APN 009-191-37

The Basis of Bearings for the above legal description is S 49°41'22" W, being the bearing of the monumented southeasterly line of "Parcel Map" filed July 2, 2021 in Book 2021 of Maps at Page 115, Marin County Records.

Date: August 15, 2024

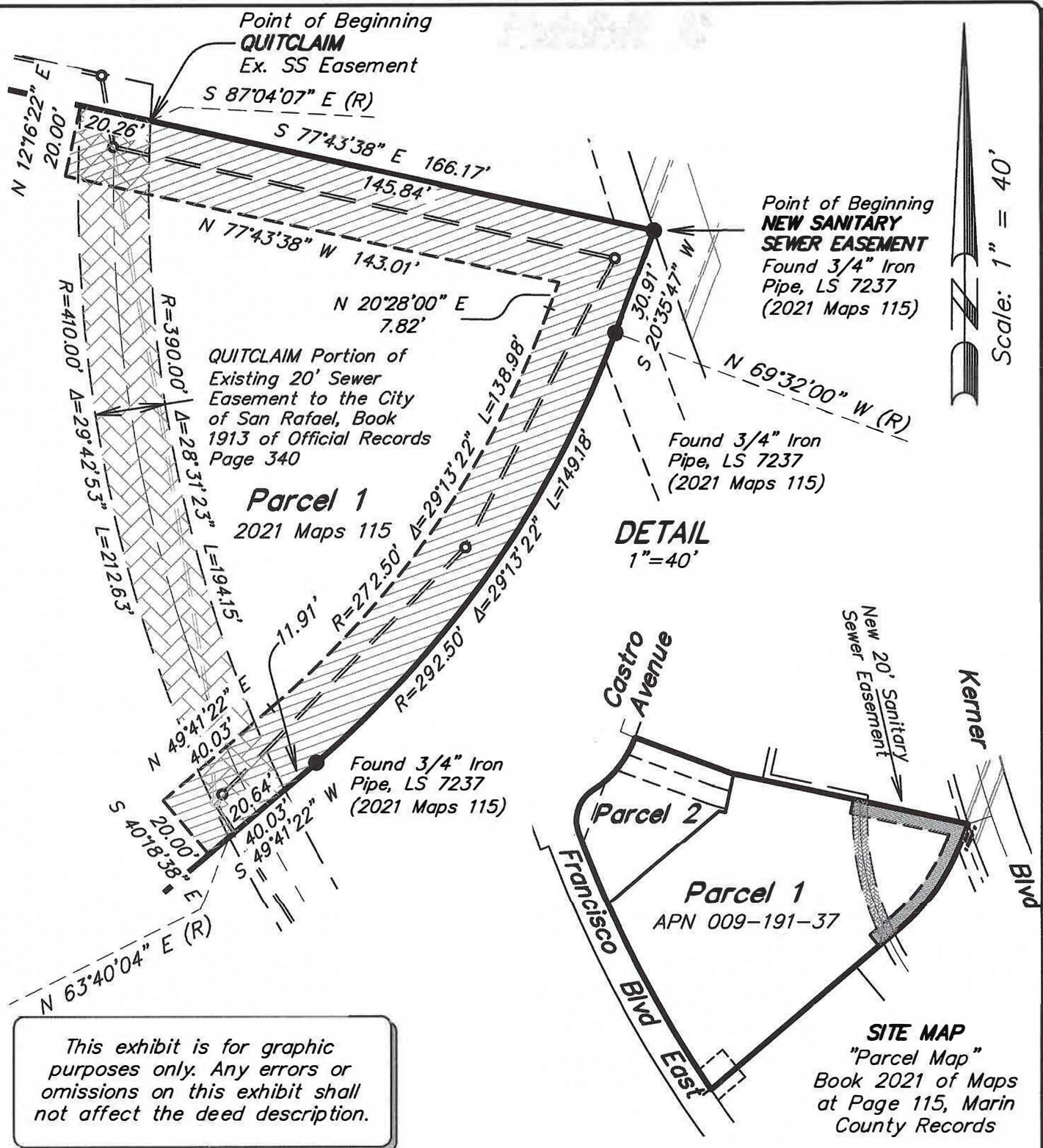
Prepared by:



Paul M. Brown, PLS 5087



File: T:\2018 PROJECTS\18293\dwg\Adobe-Survey\NEW SS EASE 10112021.dwg Time: Sep 18, 2024 - 3:40pm



This exhibit is for graphic purposes only. Any errors or omissions on this exhibit shall not affect the deed description.



Date: September 13, 2024

Paul M. Brown, PLS 5087

Job No. 18293 APN 009-191-37

Public Sanitary Sewer Easement

adobe associates, inc.
civil engineering | land surveying | wastewater
1220 N. Dutton, Ave., Santa Rosa, Ca. 95401
P (707) 541-2300; F (707) 541-2301

September 13, 2024