



**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

Department: Public Works

Prepared by: April Miller  
Director of Public Works

City Manager Approval: 

**TOPIC: QUITCLAIM OF A STORM DRAIN EASEMENT AT THE MARIN ACADEMY**

**SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL ELECTING TO VACATE THE STORM DRAIN EASEMENT DESCRIBED IN DEED D2006-002997 AND AUTHORIZING EXECUTION OF A QUITCLAIM DEED, FOR MARIN ACADEMY PROPERTY AT 1540 FIFTH AVENUE, SAN RAFAEL, CALIFORNIA**

**RECOMMENDATION:**

Adopt the Resolution Electing to Vacate the Storm Drain Easement Described in Deed D2006-002997 and Authorizing Execution of a Quitclaim Deed, for Marin Academy Property at 1540 Fifth Avenue, San Rafael, California.

**BACKGROUND:**

The Marin Academy owns the three properties at 1530, 1534 and 1540 Fifth Avenue. An existing City storm drain from Mission Avenue passes through the development to a drainage facility on Fifth Avenue. In 1996, the Public Works Department, as part of the capital improvement program, improved the existing system by slip-lining the storm drain. In 2006, a grant of easement was recorded over the portion of the storm drain that runs beneath the 1540 Fifth Avenue property.

In 2020, the Community Development Department approved UP19-005 and ED19-006 for Marin Academy’s development of a new aquatic center over the adjacent properties, at 1530 and 1534 Fifth Ave. The current aquatic center development included a lot line adjustment and consolidation between the three properties.

As a condition of approval for the development of the new aquatic center, the City required that an easement over the storm drain on the parcels resulting from the lot line adjustment and consolidation be granted to the City. The storm drain was rerouted to accommodate the new development. The resulting storm drain and property line reconfiguration has made the existing storm drain easement no longer accurate.

**ANALYSIS:**

Marin Academy has granted the City new storm drain easements over the subject properties that follows the realigned storm drain. Resolution No. 14577 adopted on September 17, 2018 authorizes the

---

**FOR CITY CLERK ONLY**

Council Meeting: \_\_\_\_\_

Disposition: \_\_\_\_\_

Mayor and City Manager to accept grants of interest in real property on behalf of the City. The new easements have been reviewed by City staff and are in the process of being approved by the City Manager and recorded. Final Certificate of Occupancy will only be granted after the new easements are recorded at the County.

The proposed resolution authorizes the City Manager to execute a quitclaim deed to vacate the 2006 easement. The vacation of the 2006 easement will not affect the City's ability to maintain its infrastructure. The City will still have the access it needs to the storm drain system with the replacement easements.

**FISCAL IMPACT:**

There is no additional fiscal impact since the City under present condition maintains the existing storm drain system through the Marin Academy properties.

**RECOMMENDED ACTION:**

Adopt the Resolution Electing to Vacate the Storm Drain Easement Described in Deed D2006-002997 and Authorizing Execution of a Quitclaim Deed, for Marin Academy Property at 1540 Fifth Avenue, San Rafael, California.

**ATTACHMENTS:**

1. Resolution
2. Quitclaim deed

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL  
ELECTING TO VACATE THE STORM DRAIN EASEMENT DESCRIBED IN  
DEED D2006-002997 AND AUTHORIZING EXECUTION OF A QUITCLAIM  
DEED, FOR MARIN ACADEMY PROPERTY AT 1540 FIFTH AVENUE, SAN  
RAFAEL, CALIFORNIA**

**WHEREAS**, there exists a storm drain easement on 1540 Fifth Avenue, San Rafael, as described in deed D2006-002997 recorded with the County on May 11, 2006; and

**WHEREAS**, development of a new aquatic center over the adjacent properties, at 1530 and 1534 Fifth Ave, adjusted the storm drain alignment causing the existing easement to no longer be accurate; and

**WHEREAS**, vacation of the existing storm drain easement will not affect the City's ability to maintain its storm drain infrastructure.

**NOW, THEREFORE, IT IS HEREBY RESOLVED as follows:**

That the City Council of the City of San Rafael, California, hereby elects to vacate the existing storm drain easement on 1540 Fifth Avenue, San Rafael, as described in deed D2006-002997, via a quitclaim deed and authorizes the City Manager to execute and cause recordation of the quitclaim deed and 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 special meeting of the Council of said City held on the 5th day of December 2022, by the following vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

---

**LINDSAY LARA, City Clerk**

**RECORDING REQUESTED, AND  
WHEN RECORDED RETURN TO:**

Lindsay Lara, City Clerk  
City of San Rafael  
1400 Fifth Avenue  
San Rafael, CA 94901

---

APN 011-201-13 & 011-195-08

EXEMPT FROM RECORDING FEES (Gov. Code § 27383)

The Undersigned Grantor Declares:

Documentary Transfer Tax \$0.00 [exempt per R&T Code §11911 – consideration less than \$100]

**QUITCLAIM DEED**

For valuable consideration, the receipt of which is hereby acknowledged, **THE CITY OF SAN RAFAEL, a charter city (“Grantor”)** quitclaims to **MARIN ACADEMY, a California nonprofit public benefit corporation (“Grantee”)** all of Grantor’s right, title and interest in and to that easement more particularly set forth in that certain GRANT OF EASEMENT FOR CONSTRUCTION AND MAINTENANCE OF STORM DRAIN, recorded in the official records of Marin County on May 11, 2006, as Instrument No. 2006-002997, encumbering real property owned by Grantee in the City of San Rafael, County of Marin, State of California.

By: \_\_\_\_\_

\_\_\_\_\_

Dated: \_\_\_\_\_, 2022

NOTARY PUBLIC CERTIFICATE

STATE OF CALIFORNIA  
COUNTY OF MARIN

On \_\_\_\_\_ before me, \_\_\_\_\_ personally appeared,  
\_\_\_\_\_ who 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.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and  
correct.

WITNESS by my hand and official seal.

\_\_\_\_\_