

**RESOLUTION NO. 2022-\_\_\_\_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
SAN BRUNO VACATING A ROADWAY EASEMENT AND  
RESERVING A PUBLIC UTILITY EASEMENT FOR A  
PORTION OF GRUNDY LANE**

**WHEREAS**, the City of San Bruno ("City") owns a right of way easement in and over Grundy Lane for road and utility purposes ("Grundy ROW Easement") and five-foot public utility easements adjacent to both sides of Grundy Lane for public utilities ("Grundy PUEs"), as dedicated (1) (as to their western and central portions) by the Parcel Map entitled "T.G.I. FRIDAY'S RESTAURANT" filed December 26, 1979 in Book 48 of Parcel Maps, Pages 83 through 84, inclusive, in the Official Records of the County Recorder of San Mateo County ("Official Records") ("West Parcel Map"), and (2) (as to their eastern portions) by the Parcel Map entitled "PARCEL MAP #81-5" filed November 9, 1981 in Book 52 of Parcel Maps, Pages 2 through 3, inclusive, in the Official Records ("East Parcel Map"); and

**WHEREAS**, the northern 30-foot half of the Grundy ROW Easement ("North Grundy ROW") and the Grundy PUE adjacent to the northern side of the Grundy ROW Easement ("North Grundy PUE") in part lie within and across certain real property in the City commonly known as 1250 Grundy Lane, being a portion of Parcel 1 originally created by the West Parcel Map as modified by a lot line adjustment recorded January 7, 2020 as Document No. 2020-001311 in the Official Records, labeled on the Final Map as "Police Credit Union of California – O.R. 2020-001315" and not a part of the Final Map (the "PCU Parcel"); and

**WHEREAS**, concurrently with this Resolution the City Council approved a final subdivision map for properties fronting on and divided by Grundy Lane owned by Google LLC ("Google") entitled "FINAL MAP/PHASE 1/YOUTUBE"), attached as **Exhibit A** ("Final Map"), by which City approved Google's plan to realign and straighten portions of Grundy Lane and portions of the Grundy PUEs ("Grundy Realignment") as part of developing its properties ("Google Project"); and

**WHEREAS**, pursuant to permits issued by the City, Google has closed the western portion of Grundy Lane and begun construction of the Google Project and the Grundy Realignment; and

**WHEREAS**, the Final Map (a) vacated City's interest in the Grundy ROW Easement and the Grundy PUEs, except for those portions of the North Grundy ROW and the North Grundy PUE within the PCU Parcel, and (b) conveyed to City Google's offers to (1) dedicate fee title to a new Grundy Lane right-of-way and (2) grant new public utility easements adjoining the new Grundy Lane right-of-way, as part of implementing the Grundy Realignment; and

**WHEREAS**, the portions of the North Grundy ROW and North Grundy PUE within the PCU Parcel were not vacated by City by the Final Map because they remain necessary in their present location as part of the Grundy Realignment, except for a small portion of the North Grundy ROW; and

**WHEREAS**, Detail C on Sheet 2 of the Final Map indicates that a triangular portion of the North Grundy ROW within the PCU Parcel (“PCU Triangle”), as described and shown in Exhibit B attached hereto, is part of the current curve in Grundy Lane and will not be included in the new straightened alignment of the Grundy Lane right-of-way, and Detail C states that the City’s Grundy ROW Easement in the PCU Triangle will be “vacated by separate instrument”; and

**WHEREAS**, the City has determined that the PCU Triangle is required to serve as part of the North Grundy PUE following completion of the Grundy Realignment, to provide a continuous five-foot-wide PUE along the north side of the realigned Grundy Lane right-of-way as shown in the Final Map; and

**WHEREAS**, Chapter 4 (Summary Vacation) of Part 3 of Division 9 of the California Streets and Highways Code authorizes the City to summarily vacate the portion of the Grundy ROW Easement in the PCU Triangle based upon the factual findings and pursuant to the specific authority cited herein; and

**WHEREAS**, California Streets and Highways Code Section 8340 (“Section 8340”) authorizes the City to reserve and except from its vacation of a street an easement and right to use the street being vacated for utility-related purposes; and

**WHEREAS**, San Bruno Municipal Code Sections 2.12.060(N) and (O) authorize the City Council to delegate to the City Manager the general authority to “exercise such other powers as may be authorized by the city council” and to execute “written contracts and conveyances made or entered into by the city, [as] authorized or approved by the city council”; and

**NOW, THEREFORE, BE IT RESOLVED** by the San Bruno City Council as follows:

Section 1. The PCU Triangle will no longer be utilized for the road and utility purposes for which it was dedicated, as a result of the Grundy Realignment. Therefore, the City finds and determines that the PCU Triangle portion of the Grundy ROW Easement will be excess and can be summarily vacated as “[a]n excess right-of-way of a street or highway not required for street or highway purposes.” (Sts. & Hy. Code § 8334(a).) Vacation of the PCU Triangle portion of the Grundy ROW Easement shall become effective upon adoption of this Resolution, and thereafter the PCU Triangle shall no longer be subject to the Grundy ROW Easement. There are no in place roadway or other public facilities that would be affected by this vacation due to Google’s work on the Google Project.

Section 2. The PCU Triangle is required to become part of the North Grundy PUE to provide a continuous five-foot strip for utility purposes abutting Grundy Lane as part of the Grundy Realignment, as shown on the Final Map. Therefore, the City finds and determines that the public convenience and necessity require the reservation and exception from vacation of the PCU Triangle portion of the Grundy ROW Easement, of a public service easement for utility purposes in, upon, and over the PCU Triangle to become part of the North Grundy PUE in the PCU Parcel, pursuant to the authority granted by Section 8340. Reservation of the foregoing utility easement rights shall become effective upon adoption of this Resolution.

Section 3. Nothing in this Resolution or the City's actions vacating its road and utility easement rights to the PCU Triangle are intended or shall be deemed to affect the City's road and utility easement rights as to the remainder of the North Grundy ROW within the PCU Parcel or the City's utility easement rights as to the remainder of the North Grundy PUE within the PCU Parcel, and those easements shall remain in full force and effect.

Section 4. The City Council finds that vacation of the Grundy ROW Easement as to the PCU Triangle, reservation of the utility easement as to the PCU Triangle and related implementing actions are exempt from the California Environmental Quality Act, Pub. Res. Code Section 21000 *et seq.*, pursuant to CEQA Guidelines Section 15302 (Class 2) and Section 15303 (Class 3(d)).

Section 5. The City Clerk is directed to cause a certified copy of this Resolution to be recorded without acknowledgment in the Office of the Recorder of the County of San Mateo in accordance with the provisions of California Streets and Highways Code Sections 8335(a)(2) and 8336.

Section 6. The City Clerk shall certify to the adoption of this resolution and shall cause this resolution and this certification to be entered in the Book of Resolutions of the Council of this City.

Dated: August 23, 2022

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I hereby certify that the foregoing **Resolution No. 2022-\_\_\_\_\_** was introduced and duly and regularly passed and adopted by the City Council of the City of San Bruno on August 23, 2022 by the following vote:

AYES:	Councilmembers:	_____
NOES:	Councilmembers:	_____
RECUSED:	Councilmembers:	_____
ABSENT:	Councilmembers:	_____

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Vicky S. Hasha, Deputy City Clerk

## ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California                                 )  
County of San Mateo                             )

On \_\_\_\_\_, before me, \_\_\_\_\_,  
(insert name of notary)

Notary Public, 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 my hand and official seal.

Signature \_\_\_\_\_

(Seal)