

From: [Kristen Van Fleet](#)
To: [French, Amy](#)
Cc: [McRee, Sarah](#); [Sauls, Garrett](#); [Lait, Jonathan](#); [Council, City](#); [City Attorney](#); [PlannerOnDuty](#); [Planning Commission](#); [City Mgr](#); [Bhanu Iyer](#); [Chin Chong](#); [Gala Beykin](#); [Hanh Nguyen](#); [John Abraham](#); [Natalie Fisher](#); [On Chong](#); [Robert Chaoqiang Chen](#); [Robyn Ziegler](#); [Shan Wang](#); [Susan Light](#); [Tsing Xue](#); [Vadim Axelrod](#); [Venketa Kurra](#); [Yevgeny Yoni Khasin](#); [William Ross](#); [Glanckopf, Annette](#); [Furman, Sheri](#)
Subject: Re: Follow Up - Application Request - ELLSWORTH PLACE - Abandoned Road/Road Ownership
Date: Tuesday, August 15, 2023 2:24:28 PM
Attachments: [image009.png](#)
[image024.png](#)
[image002.png](#)
[image003.png](#)
[image005.png](#)
[image007.png](#)
[image008.png](#)
[image010.png](#)
[image014.png](#)
[image015.png](#)
[Screenshot 2023-08-15 at 1.06.39 PM.png](#)
[Screenshot 2023-08-15 at 1.26.12 PM.png](#)
[Screenshot 2023-08-15 at 1.52.47 PM.png](#)
[Screenshot 2023-08-15 at 2.04.08 PM.png](#)
[Ellsworth Place Storm Drain Public Records Search Renummer CB.pdf](#)
[Ellsworth Place GIS 8-2023.png](#)

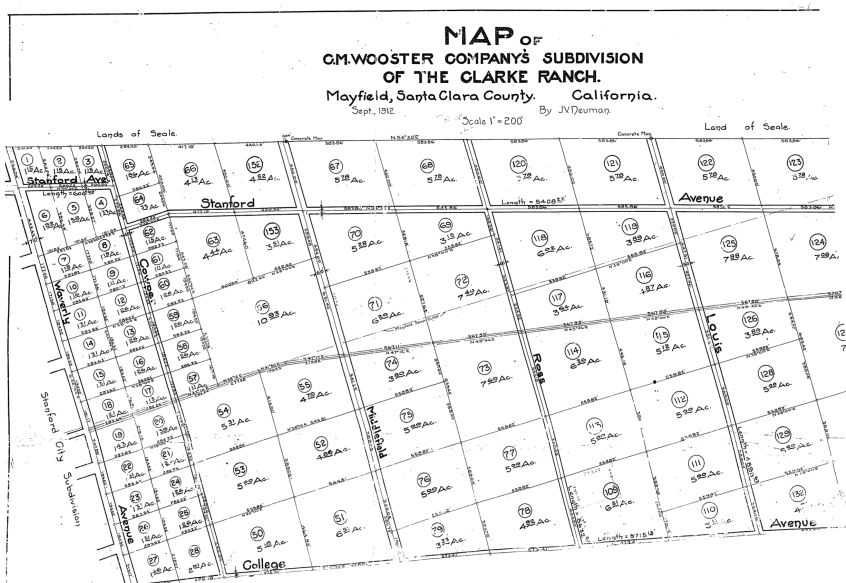
CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

Dear Amy French, City Council, and Pertinent City of Palo Alto Departments,

How does CPA wish to handle having a 170.8-foot-long piece of abandoned road under its jurisdiction? Part of the Ellsworth Place "private road" has been "abandoned" since its last owner died on September 11, 1987. This section of road was once attached to the 702 Ellsworth Place parcel. It was not sold to the original apartment developers, Ray T. Lindsay & Mildred Lindsay, when they purchased that 702 Ellsworth Place lot from Helen M. Kenny on November 10, 1958. Per our understanding, the statute of limitations on real estate in the State of California is 5 years. This section of road has been abandoned for almost 26 years.

The original Wooster Subdivision land map of 1912 was for the overall larger parcels. The only roads that existed in this area at that time are Middlefield, Ross, Louis, Stanford Avenue, and College Avenue, and some of these road names have since been changed. (See below).

Ellsworth Place is located on what was Parcel 71 on this map, and it followed the Mayfield Sewer Outlet.



It should also be noted that where Ellsworth Place is concerned, the Palo Alto GIS has been wrong now on two occasions that we know of, and also CPA Utilities didn't know they owned the storm drain until 2006, according to public records, (see below). So it is also plausible that Palo Alto already owns the road and has not

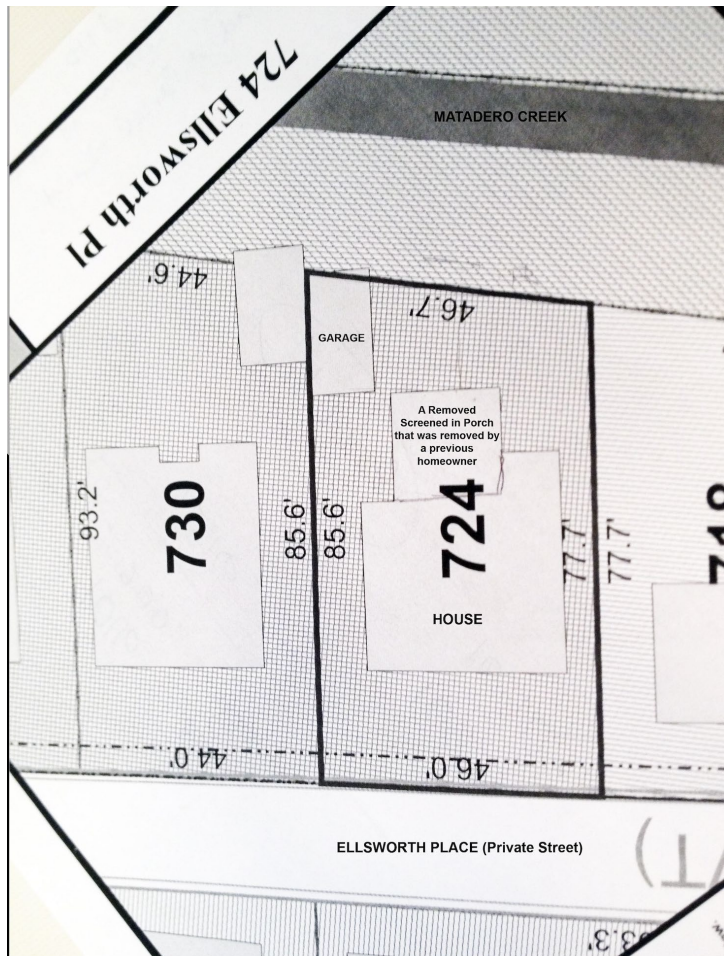
properly documented it or has since lost the information, and land laws were different in the 1940s from what they are now. The Santa Clara County (SCC) Assessor's maps have shown Ellsworth Place being a public road since 1968, and county maps supersede the City maps. I've been told the SCC Assessors do not make a mistake of this magnitude, and the fact that NO ONE PAYS TAXES ON THIS ROAD, nor have they since at least 1968 or earlier, is further evidence that Ellsworth Place is already a public road.

When I looked into what is required to add this length of road to the existing parcels, it is a very complicated and costly process that requires redrawing parcel lines. No one on Ellsworth Place is willing to do this as there is no benefit to having the road attached to a parcel. I was told by our surveyor that **the far more efficient means of handling this situation is for the CPA to assume responsibility for it.** CPA already owns ALL utilities on this road and has contributed to its wear and tear by punching through it to maintain utilities over the years, (fixing the sewer line and checking the gas lines, etc.) I have a bunch of photos showing this utility repair history over the last 10+ years.

As we understand it, CPA can choose to write an Ordinance to cover the Ellsworth Place road that leaves the existing houses grandfathered in as they are, in which the homes were built between 1938 - 1949 with the lots all sold prior to annexation on May 2, 1947.

In addition to GIS recording what was historically "702 Ellsworth", currently the parking lot of the Sutter Arms Apartments located at 2901 - 2905 Middlefield Road, as an R-1 parcel, the other mistake on GIS was the creek-side property line for ALL of the even house numbers, shortened our property lines as shown in the attached photo. To get this corrected prior to my own remodel process, which began in 2014, a very expensive survey was required to be recorded with the County. (That survey was conducted by a former SCC head surveyor, and it has been referred to many times recently!)

The screenshot below is the original GIS map, which had the property line cutting through the existing garages of homes 724, 730, and 732 Ellsworth Place.



As compared to the current GIS map after it was corrected, as shown below:



Here are the communications from 2006 showing when CPA learned that the storm drain at the end of Ellsworth Place belongs to CPA. (The full email chain is also attached.)

Silva, Vanessa

From: Raschke, Matt
Sent: Thursday, September 14, 2006 9:31 AM
To: Ballard, John
Cc: Teresi, Joe
Subject: RE: Renumber CB

After further review, Joe and I found that storm system on Ellsworth Place is also owned by the City and covered by an easement. I'll change the numbers back to what they were today.

The improvement plans and the easement map can be found at: [\\Cc-grande\\Related Documents\\Public Works Vault\\132\\132-1425-001.tif](#) and [\\Cc-grande\\Related Documents\\Public Works Vault\\232\\232-1425-001.tif](#), respectively.

Sorry again,
Matt

From: Raschke, Matt
Sent: Wednesday, September 06, 2006 1:43 PM
To: Ballard, John
Cc: Teresi, Joe
Subject: RE: Renumber CB

Unfortunately, that one is ours. [\\Cc-grande\\Related Documents\\Public Works Vault\\132\\132-2396-004.tif](#)

The owners of 3408 and 3412 Cork Oak Way must provide access to the pipe through the recorded easement.

Sorry.

But I did fix the one at the end of Ellsworth Place. I couldn't find any record map that shows it as ours.

-Matt

This issue of a portion of "abandoned road" existing within Palo Alto is not going to go away on its own. The Ellsworth Place neighbors would like this issue brought before City Council for a vote on an Ordinance that gives CPA ownership of the Ellsworth Place road and grandfathers the existing 13 parcels (15 addresses) along

it, which were established prior to the annexation of this area. How do we proceed with this request?

This request should be remedied prior to the amended PC Ordinance 2343 and "new" ordinance for the parking lot parcel, a.k.a. 702 Ellsworth Place, as road ownership does have a bearing on that project.

Sincerely,

Kristen A. Van Fleet

on behalf of Ellsworth Place Home Owners, who are included in the Cc

On Mon, Aug 7, 2023 at 7:07 PM French, Amy <Amy.French@cityofpaloalto.org> wrote:

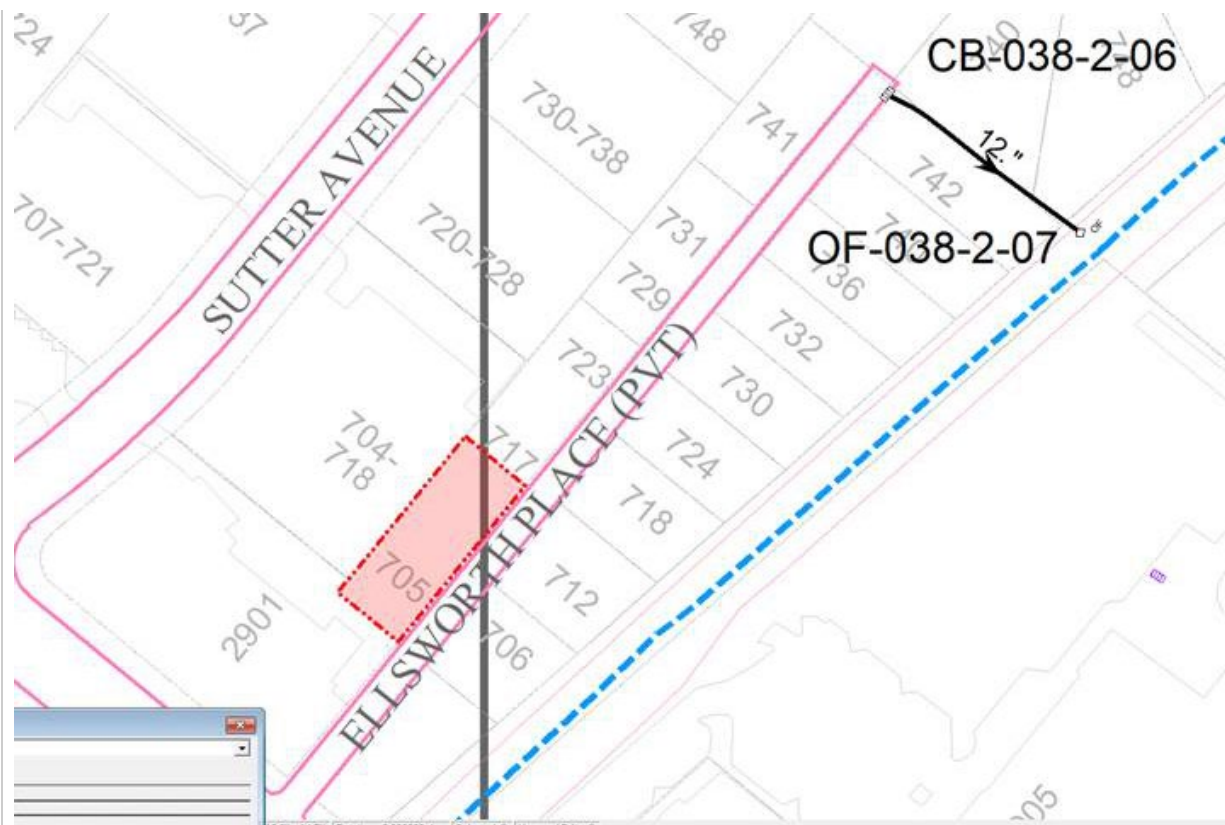
Hello Kristen,

Staff forwarded the email you had sent early this afternoon (pasted at bottom of this email) to the Planner on Duty (and Council, Commission, City Attorneys, neighborhood association members, etc.) on this same topic to Garrett and me. I respectfully copy Garrett now to help him track this email response, and the planners on duty so they are not working on an overlapping response.

Today, I reached out to Real Estate and Public Works staff members, to see if they are aware of the type of application you asked about. Planning does not have this type of application. Real Estate staff told me they are not aware of this type of application. I have not yet heard back from Public Works Engineering staff as to this type of application related to their application types but I scanned their webpage and did not see any such application; see: <https://www.cityofpaloalto.org/Departments/Public-Works/Engineering-Services/Forms-and-Permits>.

Months ago doing this research in our system (GIST), PDS reached out to our Real Estate Division, Public Works Engineering staff, and attorneys to answer this question of ownership, with these results.

- GIST shows a 1950's 12-inch storm drain line at the end of Ellsworth Place that might have been done as part of an adjacent subdivision of Clara Drive / Sutter Court and so Public Works should maintain the storm line and catch basin.
- As for the street, it was not shown on the original 1912 tract map, it did not exist and therefore was not offered or accepted by the County. They assumed the street was required in an effort to comply with access requirements after 1912. Without the street, the lots could not have been created, subdivided, and sold.
- Ellsworth Place is too narrow to comply with City standards, and City staff would not recommend the City acquire a substandard street.



The list of private streets in Palo Alto includes Ellsworth Place. Here is the list:

Palo Alto Private Streets

Alder Lane
Alma Village Lane
Alma Village Circle
Almanor Lane
Berryessa St.
Boronda Lane
Brassinga Court
Cashel St.
Cole Court
Colorado Place
Curlew Lane
Cypress Lane
Donner Lane
Driscoll Place
Dymond Court
Egret Lane
Ellsworth Place
Fallen Leaf St.
Feather Lane
Federation Way
Gene Court
Green Manor
Heron Way
Jacobs Court
Juniper Lane
Juniper Way
Klamath Lane
Lake Ave.
Lane 56

Madeline Court
Mallard Lane
Medical Foundation Way
Monte Bello Rd.
Noble St.
O'Brine Lane
Orchard Court
Paloma Dr.
Plover Lane
Pratt Lane
Quail Dr.
Ramos Way
Rickeys Way
Rickeys Lane
Robel Ridge
Ryan Lane
San Antonio Court
San Carlos Court
Sandpiper Lane
Spruce Lane
Stanislaus Lane
Tahoe Lane
Tierra Arboles Court
Trinity Lane
Tuolumne Lane
Villa Vera
Villa Vista
Waverley Oaks
Wisteria Lane

If you decide to direct your follow-up communications to Garrett and me, we will continue to do our best to respond promptly.



CITY OF
**PALO
ALTO**

AMY FRENCH

Chief Planning Official

Planning and Development Services

(650) 329-2336 | amy.french@cityofpaloalto.org

www.cityofpaloalto.org



From: McRee, Sarah <Sarah.McRee@CityofPaloAlto.org>
Sent: Monday, August 7, 2023 4:19 PM
To: kvanfleet@gmail.com; French, Amy <Amy.French@CityofPaloAlto.org>
Cc: Lait, Jonathan <Jonathan.Lait@CityofPaloAlto.org>
Subject: Follow Up - Application Request

Hi Kristen,

Following up on our call today – Amy French, our Chief Planning Official, will be able to assist with your inquiry.

Amy, Kristen is reaching out understand the application process to established ownership of a road on Ellsworth Place. To my knowledge, there is currently not a process, but defer to you as our planning expert. Please follow up with Kristen via email.

Thank you,

Sarah



SARAH MCREE

Senior Operations Manager

Planning and Development Services

(650) 329-2276 | sarah.mcree@cityofpaloalto.org

www.cityofpaloalto.org



EMAIL EARLIER TODAY:

From: Kristen Van Fleet
<kvanfleet@gmail.com>

Sent: Monday, August 7, 2023 1:25 PM
To: PlannerOnDuty
<planner@CityofPaloAlto.org>; Council,
City <city.council@cityofpaloalto.org>;
Planning Commission
<Planning.Commission@cityofpaloalto.org>;
City Attorney
<city.attorney@CityofPaloAlto.org>; City
Mgr <CityMgr@cityofpaloalto.org>;
Glanckopf, Annette <annette_g@att.net>;
Furman, Sheri <sheri11@earthlink.net>;
William Ross <wross@lawross.com>
Subject: Ellsworth Place - Requesting an
Application for Establishing Road Ownership

To Whom it may concern,

Ownership of the Ellsworth Place "private" road is still an unanswered question. There is evidence it is already a public CPA road, per the 1968 County Assessor's Parcel Map, but this has recently been refuted by CPA during the Planning and Transportation Commission meetings regarding a proposed development on Ellsworth Place, Applications: 23PLN-00025, and 23PLN-00027. No one pays taxes for this road.

The Ellsworth Place Homeowners would like to start an application process with the City of Palo Alto to get ownership of the road determined. Per the research, a 170.8 foot portion of this road is abandoned and is, therefore, potential liability to the City of Palo Alto, (or does an abandoned road revert to County or State ownership?)

How do we go about starting this process?

Sincerely,

Kristen Van Fleet

on behalf of Ellsworth Place Homeowners

650-646-8677

