



CITY OF  
**PALO  
ALTO**

**CITY OF PALO ALTO  
CITY COUNCIL  
Special Meeting**

**Monday, December 18, 2023  
Council Chambers & Hybrid  
5:30 PM**

<b>Agenda Item</b>
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11. Adoption of a Resolution and Approving an Easement Relocation Agreement Relocating and Vacating a 25 Foot Public Service Easement at the Castilleja School at 1263 Emerson Street and 220 Embarcadero Road (also commonly known as 1310 Bryant Street), Assessor Parcel Numbers 124-12-033 & 124-12-034; CEQA status – categorically exempt.



CITY OF  
**PALO  
ALTO**

## City Council Staff Report

**From: City Manager**

**Report Type: CONSENT CALENDAR**

**Lead Department: Administrative Services**

**Meeting Date: December 18, 2023**

Report #:2308-1922

### **TITLE**

Adoption of a Resolution and Approving an Easement Relocation Agreement Relocating and Vacating a 25 Foot Public Service Easement at the Castilleja School at 1263 Emerson Street and 220 Embarcadero Road (also commonly known as 1310 Bryant Street), Assessor Parcel Numbers 124-12-033 & 124-12-034; CEQA status – categorically exempt.

### **RECOMMENDATION**

Staff recommends that Council:

1. Approve and authorize the City Manager or designee to execute the Easement Relocation Agreement relocating a public service easement on the Castilleja School located at 1263 Emerson Street and 220 Embarcadero Road (also commonly known as 1310 Bryant Street); and
2. Adopt a resolution summarily vacating a public service easement on the Castilleja School located at 1263 Emerson Street and 220 Embarcadero Road (also commonly known as 1310 Bryant Street) after the relocated easement has been recorded.

### **ANALYSIS**

On April 20, 1992, the City Council introduced and passed a resolution ordering the vacation of a street easement on a portion of Melville Avenue between Bryant and Emerson Streets, while reserving a 25-foot easement benefitting the City for underground and overhead public utilities purposes.<sup>1</sup> This Public Utility Easement (“PUE”) is associated with the property owned by the Castilleja School Foundation (“Castilleja”).<sup>2</sup> The property’s Assessor Parcel Numbers are 124-12-033 & 124-12-034 and is commonly known as 1310 Bryant Street, but a Preliminary Report prepared by Chicago Title Company, dated November 1, 2023, and referenced as Order No. 60605270-606-TEO-JM, identifies the property address for Assessor Parcel Number 124-12-033 as 1263 Emerson Street and a separate Preliminary Report dated November 9, 2023, and

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<sup>1</sup> General Vacation, Resolution No. 7086, recorded as Recording Number 11386298, Book M218, Page 0593 of Official Records of Santa Clara County.

<sup>2</sup> <https://www.cityofpaloalto.org/City-Hall/Hot-Topics/Castilleja-School>

referenced as Order No. 60604321-606-TEO-JM, identifies the property address for Assessor Parcel Number 124-12-034 as 220 Embarcadero Road. This item was originally scheduled on August 14, 2023. To maintain clear visibility on items related to the Castilleja School development, the item now has been revised with a clearer title to reference the school by name and the commonly known address, in addition to the addresses and parcel numbers found in title reports. Staff will also notify individuals that have requested to be notified of actions related to the school.

On June 6, 2022, the City Council approved Castilleja's applications for Architectural Review with Parking Adjustment, Conditional Use Permit, and Variance, and made several findings, determination and declarations.<sup>3</sup> In connection with those applications, the City Council made it a Condition of Approval that Castilleja relocate the existing 25-foot PUE to be within the boundaries of the driveway that is proposed near the Emerson Street and Melville Avenue intersection. Castilleja has agreed to relocate the existing 25-foot public utility easement. To relocate the easement, the City will execute an Easement Relocation Agreement creating a 25-foot PUE within the proposed new driveway and adopt a resolution to vacate the existing easement in accordance with Section 8333 of the California Streets and Highways Code.

#### **STAKEHOLDER ENGAGEMENT**

This item has been coordinated with Jorgenson, Sigel, McClure & Flegel, LLP, legal counsel to Castilleja School. Planning staff will notify individuals that have previously provided emails to receive notice related to the school's Council-approved planning entitlement project.

#### **FISCAL/RESOURCE IMPACT**

The property owner paid the summary easement vacation fee in FY 2023, which amounts to \$1,842, as set forth in the FY 2023 Municipal Fee Schedule.

#### **ENVIRONMENTAL REVIEW**

Council action to relocate the public service easement is within the scope of the Environmental Impact Report prepared for the Castilleja School Project and adopted by the Council on June 6, 2022 (SCH #2017012052).

#### **ATTACHMENTS**

Attachment A: Summary Vacation Resolution & Easement Relocation Agreement - Castilleja School at 1263 Emerson Street and 220 Embarcadero Road (also commonly known as 1310 Bryant Street)

#### **APPROVED BY:**

Kiely Nose, Assistant City Manager

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<sup>3</sup> <https://www.cityofpaloalto.org/files/f65eb77d-4d17-41a6-8158-44f1df3b649f/Casti-Signed-ROLUA-and-Exhibit.pdf>

**ATTACHMENT A**

**SUMMARY VACATION & EASEMENT RELOCATION AGREEMENT**

Recorded at no charge in accordance with  
Streets & Highways Code Section 8336 at  
the request of and when recorded return to:

City of Palo Alto  
Real Estate Division  
250 Hamilton Avenue  
Palo Alto, CA 94301

SPACE ABOVE LINE FOR RECORDER'S USE

APN: 124-12-034  
Address: Castilleja School  
1263 Emerson Street and  
220 Embarcadero Road  
(a.k.a. 1310 Bryant Street)  
Palo Alto, CA 94301

**SUMMARY VACATION  
RESOLUTION NO. \_\_\_\_\_**

RESOLUTION OF THE COUNCIL OF THE CITY OF PALO ALTO  
SUMMARILY VACATING AND RELOCATING A PUBLIC SERVICE EASEMENT  
AT THE CASTILLEJA SCHOOL,  
1263 EMERSON STREET AND 220 EMBARCADERO ROAD  
(A.K.A. 1310 BRYANT STREET), PALO ALTO, CA

WHEREAS, Section 8333 of the Streets and Highways Code authorizes the City Council to summarily vacate a public service easement in any of the following cases: (a) the easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation, (b) the date of dedication or acquisition is less than five years, and more than one year, immediately preceding the proposed vacation, and the easement was not used continuously since that date, (c) the easement has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities located within the easement; and

WHEREAS, under that certain General Vacation, Resolution No. 7086, recorded as Recording Number 11386298, Book M218, Page 0593 of Official Records of Santa Clara County, the City of Palo Alto reserved a 25-foot easement for public utilities purposes benefitting the City, and any right necessary to construct, maintain, operate, replace, remove, renew or enlarge any underground public utility facilities, existing overhead public utility facilities, sanitary sewers, storm drains and appurtenant structures in, upon, over, under or across the easement area; and

WHEREAS, in connection with that certain ACTION NO. 2022-02 RECORD OF THE COUNCIL OF THE CITY OF PALO ALTO LAND USE ACTION 1310 BRYANT STREET (CASTILLEJA) ARCHITECTURAL REVIEW 19PLN-00116 WITH PARKING ADJUSTMENT CONDITIONAL USE PERMIT AND VARIANCE 16PLN-00238, the City imposed Condition 28 (EASEMENT RELOCATION): "Applicant shall relocate the existing 25-

foot Public Utility Easement (PUE) to be within the boundaries of the driveway that is proposed near the Emerson Street and Melville Avenue intersection”; and

WHEREAS, the City Council of the City of Palo Alto intends to approve the Easement Relocation Agreement in Attachment “A” attached to this resolution to accept the relocated easement and summarily vacate the existing easement as more particularly described and depicted in the exhibits of that agreement; and

NOW, THEREFORE, the City Council does hereby RESOLVE as follows:

SECTION 1. This vacation is made under the authority of California Streets and Highways Code Chapter 4 of part 3 of Division 9, commencing at Section 8330 et. seq.

1. The public service easement described on Exhibit “A” and depicted on the plat map as Exhibit “B” of Attachment “A” (Easement Relocation Agreement) will be superseded by relocation as described on Exhibit “C” and depicted on the plat map as Exhibit “D”; and

SECTION 2. Based upon the findings made in Section 1 of this Resolution and the provisions of Section 8333 of the Streets and Highways Code, the City Council does hereby order that public service easement as shown on the said Exhibits “A” and “B” of Attachment “A” shall be summarily vacated and relocated as shown on the said Exhibits “C” and “D” of Attachment “A”.

SECTION 3. The City Clerk, acting by and through the Real Property Manager, is hereby directed to record at the Santa Clara County Clerk-Recorder’s Office a certified copy of this Resolution, including the Maps.

SECTION 4. The public service easement for utilities and incidental purposes described in Exhibit “A” and depicted in the plat map as Exhibit “B” in Attachment “A” will be relocated to the area described in Exhibit “C” and depicted in the plat map as Exhibit “D” in Attachment “A” from and after the date of recordation of the documents identified in Section 3 of this Resolution.

SECTION 5. Council action to relocate the public service easement is within the scope of the Environmental Impact Report prepared for the Castilleja School Project and adopted by the Council on June 6, 2022 (SCH #2017012052).

Recorded at no charge in accordance with  
Streets & Highways Code Section 8336 at  
the request of and when recorded return to:

City of Palo Alto  
Real Estate Division  
250 Hamilton Avenue  
Palo Alto, CA 94301

**WITH A CONFORMED COPY TO:**

Castilleja School  
Attn: Head of School  
1310 Bryant Street  
Palo Alto, CA 94301

SPACE ABOVE LINE FOR RECORDER'S USE

APNs: 124-12-033 & 124-12-034  
Address: 1263 Emerson Street and  
220 Embarcadero Road  
(a.k.a. 1310 Bryant Street)  
Palo Alto, CA 94301

### **EASEMENT RELOCATION AGREEMENT**

1. The City of Palo Alto ("City") is a grantee under that certain General Vacation, Resolution No. 7086, recorded as Recorder's Serial Number 11386298 of the Official Records of Santa Clara County, which includes a certain 25' Public Utility and Surface Access Easement described in **Exhibit A** and shown in **Exhibit B**, attached hereto (the "Existing 25' PUE"), which burdens property owned by the Castilleja School Foundation, a California corporation ("Castilleja").
2. In connection with that certain ACTION NO. 2022-02 RECORD OF THE COUNCIL OF THE CITY OF PALO ALTO LAND USE ACTION [1310 BRYANT STREET (CASTILLEJA); ARCHITECTURAL REVIEW 19PLN-00116 WITH PARKING ADJUSTMENT CONDITIONAL USE PERMIT AND VARIANCE 16PLN-00238, dated June 6, 2022], the City imposed Condition of Approval 28 [EASEMENT RELOCATION], which mandates that Castilleja relocate the existing 25-foot Public Utility Easement (PUE) to be within the boundaries of the driveway that is proposed near the Emerson Street and Melville Avenue intersection.
3. In accordance with Condition of Approval 28, Castilleja agrees to relocate the Existing 25' PUE to the to the 25' foot area described in **Exhibit C** and shown in **Exhibit D**, attached hereto (the "Relocated 25' PUE"), and the City hereby agrees to relocate all its RIGHTS, TITLE AND INTEREST in and to the Existing 25' Public Utility to the Relocated 25' PUE.

This Easement Relocation Agreement shall be deemed to apply only to the rights, title and interest of City under the Existing 25' PUE as they pertain to the Relocated 25' PUE, and shall not diminish or affect any of City's rights, title and interest as to any other land described in the Existing 25' PUE located outside of the Relocated 25' PUE.

DATED: 12/4/2023

The Castilleja Foundation

By: Kathleen L. Lavender  
Its: Acting Head of School

DATED: \_\_\_\_\_

City of Palo Alto

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

Title: \_\_\_\_\_

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.

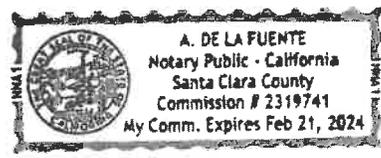
STATE OF CALIFORNIA )  
COUNTY OF Santa Clara ) ss:

On December 4, 2023, before me A. De La Fuente, Notary Public, personally appeared Kathleen Lavender, 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 A. De La Fuente





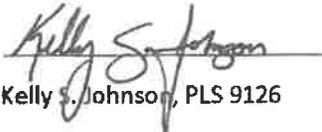
**EXHIBIT A**

**Legal Description of Original Public Utility and Surface Access Easement**

An Easement, 25 feet in width, over, under and upon that certain strip of land being a portion of Parcel 1 and Parcel 2, as said Parcel is shown on that certain Parcel Map entitled "Tract No. 8593", recorded in Book 648 of Maps, Pages 1-2 and as Document 11971418, Santa Clara County Records, and said easement being described as follows:

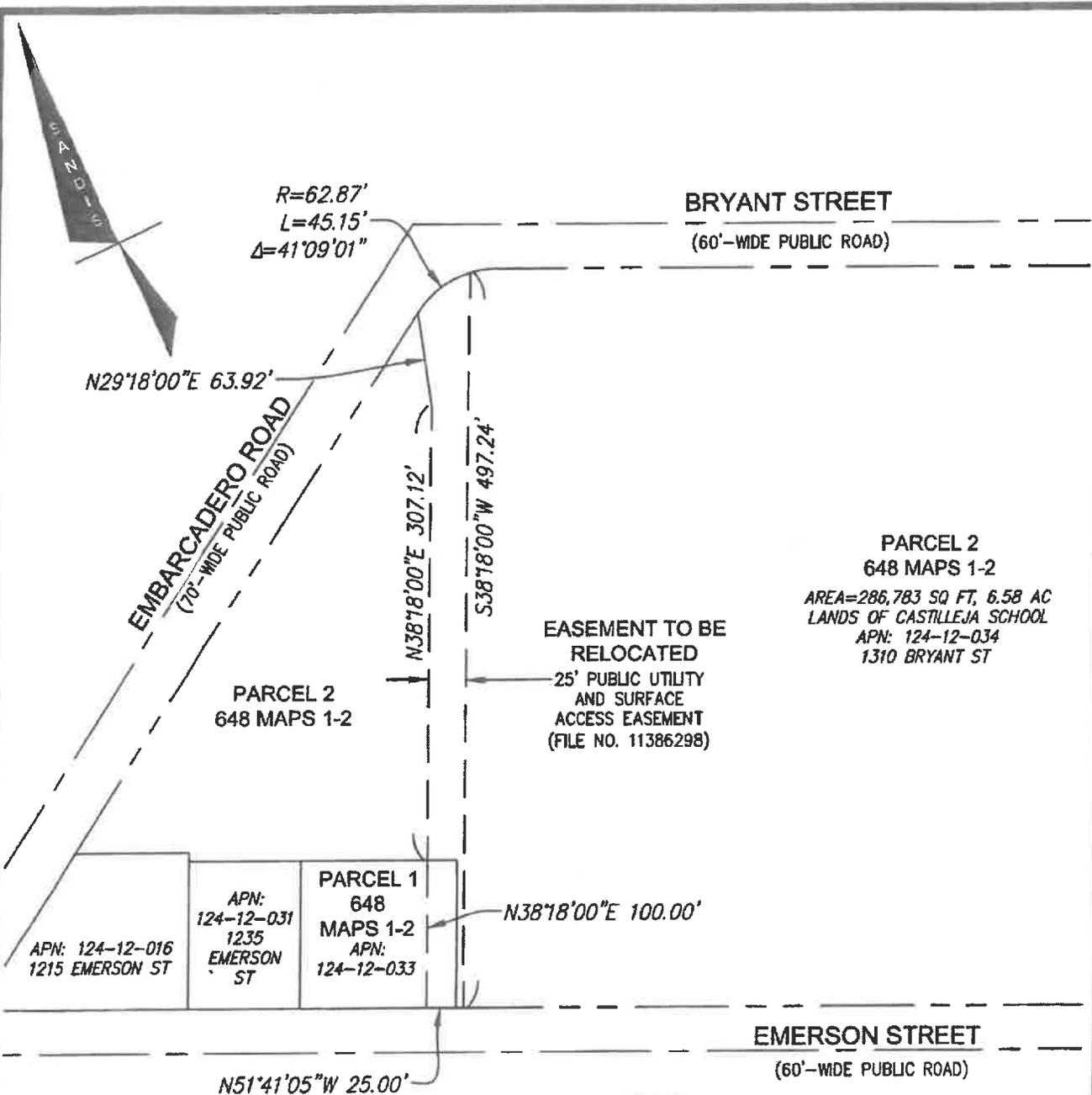
Being all of said Easement labeled as a 25' Public Utility and Surface Access Easement, Book M218, Page 593, Official Records as shown in that certain Parcel Map entitled "Tract No. 8593", recorded in Book 648 of Maps, Pages 1-2 and as Document 11971418, Santa Clara County Records.

This description was prepared by me or under my direction in conformance with the requirements of the California Professional Land Surveyors Act.

  
Kelly S. Johnson, PLS 9126

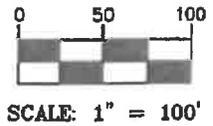
Date: November 22, 2022





**LEGEND**

- BOUNDARY LINE
- EASEMENT LINE
- ROAD CENTERLINE



PLAT TO ACCOMPANY LEGAL DESCRIPTION

EXHIBIT B



BUILD ON.  
SIRREL.NET

DATE: 11/22/2022  
SCALE: 1"=100'  
PROJECT No.: 216111

EASEMENT RELOCATION  
CASTILLEJA SCHOOL  
PALO ALTO CA

SHEET  
1  
OF SHEETS

**EXHIBIT "C"**

**PUBLIC UTILITY AND SURFACE ACCESS EASEMENT  
(EASEMENT VACATION/RELOCATION AREA)**

CASTILLEJA SCHOOL

APN: 124-12-033 & 124-12-034

BEING A PUBLIC SERVICE EASEMENT, AS DEFINED IN CALIFORNIA STREETS AND HIGHWAYS CODE SECTION 8306, OVER, UNDER, AND UPON A PORTION OF PARCEL 1 AND PARCEL 2, AS SHOWN ON THAT CERTAIN PARCEL MAP ENTITLED "TRACT NO 8593", FILED JUNE 28, 1993 IN BOOK 648 OF MAPS, PAGES 1-2, SANTA CLARA COUNTY RECORDS; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

**BEGINNING** AT THE SOUTHWEST CORNER OF SAID PUBLIC SERVICE EASEMENT, SAME BEING THE COMMON LINE OF THE NORTHERLY RIGHT OF WAY LINE OF EMERSON STREET AND THE SOUTHERLY LINE OF PARCEL 1 AND PARCEL 2 OF SAID "TRACT NO 8593, FROM WHICH THE SOUTHEAST CORNER OF SAID PARCEL 1 BEARS SOUTH 51°42'00" EAST, 5.39 FEET;

THENCE CROSSING SAID PARCEL 1 AND PARCEL 2, NORTH 38°18'00" EAST, 493.01 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF BRYANT STREET, SAME BEING THE NORTHERLY LINE OF SAID PARCEL 2 AND A CURVE TO THE RIGHT, HAVING A RADIUS OF 62.87 FEET AND A RADIAL BEARING OF SOUTH 11°01'02" WEST;

THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 23°48'02", AN ARC DISTANCE OF 26.12 FEET;

THENCE CROSSING SAID PARCEL 2, SOUTH 38°18'00" WEST, 499.88 FEET TO THE COMMON LINE OF THE NORTHERLY RIGHT OF WAY LINE OF EMERSON STREET AND THE SOUTHERLY LINE OF PARCEL 2;

THENCE ALONG SAID COMMON LINE, NORTH 51°42'00" WEST, 25.00 FEET THE **POINT OF BEGINNING**.

SAID PARCEL CONTAINING 12,435 SQUARE FEET, MORE OR LESS, AS SHOWN ON ATTACHED EXHIBIT "D," WHICH BY THIS REFERENCE IS MADE A PART HEREOF.

THIS DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE CALIFORNIA PROFESSIONAL LAND SURVEYORS ACT.

  
Kelly S. Johnson / PLS 9126

Date: May 03, 2023





R=62.87'  
L=26.12'  
Δ=23°48'02"

**BRYANT STREET**  
(60'-WIDE PUBLIC ROAD)

**EMBARCADERO ROAD**  
(70'-WIDE PUBLIC ROAD)

S34°49'05"W(R)

S11°01'02"W(R)

N38°18'00"E 493.01'  
S38°18'00"W 497.24'  
S38°18'00"W 499.88'

**PARCEL 2**  
648 MAPS 1-2  
(FILE NO. 11971418)  
AREA=286,783 SQ FT, 6.58 AC  
LANDS OF CASTILLEJA SCHOOL  
APN: 124-12-034  
1310 BRYANT ST

**PARCEL 2**  
648 MAPS 1-2

**EASEMENT TO BE VACATED**  
25' PUBLIC UTILITY AND SURFACE ACCESS EASEMENT (FILE NO. 11386298) (M218 OR 593)

**NEW RELOCATED PUBLIC UTILITY AND SURFACE ACCESS EASEMENT**  
12,435± SQUARE FEET  
0.285± ACRES

APN: 124-12-016  
1215 EMERSON ST

APN: 124-12-031  
1235 EMERSON ST

**PARCEL 1**  
648 MAPS 1-2  
APN: 124-12-033

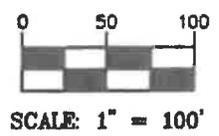
POINT OF BEGINNING

N51°42'00"W 25.00'  
5.39'

**EMERSON STREET**  
(60'-WIDE PUBLIC ROAD)

**LEGEND**

-  BOUNDARY LINE
-  EASEMENT LINE
-  ROAD CENTERLINE



**PLAT TO ACCOMPANY LEGAL DESCRIPTION**

**EXHIBIT D**



**BUILD ON.**  
SANDIS.PEY

DATE: 05/03/2023  
SCALE: 1"=100'  
BY: WAH  
PROJECT No.: 216111

**EASEMENT TO BE VACATED/RELOCATED CASTILLEJA SCHOOL**  
PALO ALTO CA

SHEET  
**1**  
OF SHEETS

This is to certify that the interest in real property conveyed by the within deed or grant to the City of Palo Alto, a municipal corporation, is hereby accepted by the undersigned officer or agent on behalf of the Council of the City of Palo Alto, pursuant to authority conferred by resolution of the said Council adopted on March 15, 1971, and the City of Palo Alto consents to recordation thereof by its duly authorized officer.

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
City Manager or designee

**APPROVALS**

Approved as to Form:

Approved as to Content:

By: \_\_\_\_\_  
City Attorney or designee

By: \_\_\_\_\_  
Director of Planning or designee

**CERTIFICATE OF ACKNOWLEDGMENT**  
(Civil Code § 1189)

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 SANTA CLARA )

On \_\_\_\_\_, before me, \_\_\_\_\_, a notary public in and for said County, 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.

\_\_\_\_\_