



**Staff Report**

**Date:** November 13, 2014  
**To:** Mayor Elizabeth Brekhus and Councilmembers  
**From:** Greg Stepanicich, Town Attorney  
**Subject:** Vacation of Offer of Dedication Related to 70 Baywood

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**Recommendation**

Adopt Resolution No. 1878 ordering the vacation of an offer of dedication of right of way adjacent to 70 Baywood.

**Background and discussion**

Mr. Bill Aitkin is the owner of property located at 70 Baywood Avenue. He owns two parcels of land that are separated by a strip of land that was offered for dedication for public road purposes to the Town in the early 1900's. On November 10, 1916, the Town Council rejected this offer of dedication. Therefore, the strip of land was never improved or used for roadway or other public purposes. It is what is commonly known as a paper road.

For several years, Mr. Aitkin has attempted to merge two parcels of land he owns that are separated by the paper road that was rejected by the Town Council in 1916. The Recorder's Office of the County of Marin will not accept this merger unless the Town Council abandons and vacates any interest it has in the paper road. The Town does not have any such interest, but must complete this procedure in order to allow Mr. Aitkin's proposed merger to occur. The Town Planner Elise Semonian has no objections to the lot merger.

The adoption of the attached resolution will order the requested street vacation. This resolution will be recorded with the Marin County Recorder

**Fiscal, resource and timeline impacts**

The matter has involved staff time and a limited amount of time by the Town Attorney.

**Alternative actions**

Not adopt the resolution. The result of this action is that Mr. Aitkin's proposed lot merger will not be accomplished.

**Environmental review (if applicable)**

No environmental review is required because this action will not result in any physical change to the environment.

**Attachments**

- Resolution No. 1878

## **TOWN OF ROSS**

### **RESOLUTION NO. 1878**

#### **A RESOLUTION OF THE ROSS TOWN COUNCIL ORDERING THE SUMMARY VACATION OF A STRIP OF LAND ADJACENT TO 70 BAYWOOD AVENUE THAT WAS OFFERED FOR DEDICATION TO THE TOWN BUT REJECTED BY THE TOWN COUNCIL IN 1916**

**WHEREAS**, the Town Council of the Town of Ross is authorized to summarily vacate excess right of way that is not required for street or highway purposes pursuant to Streets and Highways Code Section 8334; and

**WHEREAS**, on February 10, 1916, the Town Council rejected an offer of dedication for road purposes over a strip of land (the "subject property") adjacent to 70 Baywood Avenue in the Town of Ross; and

**WHEREAS**, the owner of 70 Baywood has requested that the Town summarily vacate the subject property so that he can merge two parcels he owns that are separated by the subject property as the County of Marin will not record such merger without the requested summary vacation being approved by the Town Council.

**WHEREAS**, the subject property has never been improved or used as a public street and is not necessary for any present or future public use.

#### **NOW, THEREFORE, BE IT RESOLVED THAT:**

1. The Town Council hereby adopts the above recitals as true and correct.
2. The subject property proposed for summary vacation is described in Exhibit A, attached hereto, and depicted on the map attached hereto as Exhibit B.
3. Pursuant to the provisions of Chapter 4 of Part 3 of Division 9 of the California Streets and Highway Code, the Town Council declares that the subject property is not necessary for present or future public use and is surplus to all present and prospective needs of the public and orders that any rights of the Town to the use of such property are hereby terminated, abandoned and vacated.
4. The Town Clerk is hereby directed to cause a certified copy of this resolution to be recorded in the office of the County Recorder of the County of Marin.
5. From and after the date this resolution is recorded, the subject property will no longer

constitute a street, highway, or public service easement.

The foregoing resolution was duly passed at a regular meeting of the Town Council of the Town of Ross held on the 13<sup>th</sup> day of November, 2014, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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Elizabeth Brekhus, Mayor

**ATTEST:**

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Linda Lopez, Town Clerk