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To: Mayor and City Council

From: John Moe, Contract City Engineer  
Robert Zadnik, Public Works Manager  
Craig Middleton, City Manager

**Subject: Review proposal from Marshall Miller and Linda Applewhite for a lot line adjustment and abandonment of a portion of the street right-of-way in front of 431 Golden Gate Avenue and direct staff to set a hearing date for lot line adjustment and abandonment of a portion of the street right-of-way (Continued from March 11, 2019)**

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**Recommended Motion/Item Description**

Review the land swap proposal and direct staff to set a hearing date for lot line adjustment and abandonment of a portion of the street right-of-way at 431 Golden Gate Avenue.

**Background**

Marshall R. Miller and Linda B. Applewhite, trustees of the Miller and Applewhite Revocable Trust, are the property owners of 431 Golden Gate Avenue, Assessor's Parcel Number 60-232-07. They have proposed a land swap with the City (see attachments) with the intention of benefitting both parties. In simple terms, Miller and Applewhite would gain ownership of a portion of the frontage of their property and the City would gain clear title to a portion of Golden Gate Avenue, which is within the current roadway alignment.

The issue was initiated through a Design Review application for building and site improvements at 431 Golden Gate Avenue in February of 2018.

**Proposal**

During the March 11, 2019 regular Council meeting, the City Council considered an initial proposal from the property owners that offered an equal land swap (1:1) with the following conditions:

*The property owners prefer their new edge of property along Golden Gate Avenue to be in alignment with the edge of pavement for the portion of land exchanged with the City. This would allow their existing private frontage improvements (stone wall and gate) to remain as private property after the exchange of land is executed. However, this results in an unequal exchange of land. In order to make the exchange of land (square footage) approximately equivalent, a small additional portion (22.69 square feet) of the private*

*parcel along the Belvedere Avenue frontage is also proposed to be exchanged with the City. Please see Exhibit A and Exhibit B for details of the proposed parcel exchange.*

Councilmembers stated during the March 11, 2019 meeting that this land swap should provide an element of public benefit beyond what was initially offered. In response to this feedback, the property owners have proposed the following:

- An additional 25 sq. ft. would be deeded to the City. This would result in a 50 sq. ft. area for “public benefit” concentrated at the southern end of the adjacent Park Lane. The intention is to allow for a seating area or pause point for the public in a location that affords views of the Golden Gate. The attached exhibit “A” is schematic, but represents the owner’s intent in deeding this triangle of land to the city.
- Additionally, the property owners have agreed to relocate the southern fence along Belvedere Avenue so as to be out of the public right-of-way.
- Finally, the property owner’s original Design Review application called for a rock wall near the existing iron gate. This has since been revised so that existing views will not be impeded. The attached photograph (Exhibit “C”) shows current conditions including the existing view of the Golden Gate Bridge.

The attached letter from the owners (Exhibit “B”) confirms this agreement.

The exchange would be accomplished through a lot line adjustment favoring the City and a roadway abandonment and quit claim deed favoring Miller and Applewhite. If the City Council approves the concept of the exchange, City staff will set a hearing date to adopt a resolution of street right-of-way abandonment. The hearing would be noticed by publication of a notice of vacation including diagrams illustrating the exchange. The notice would also be posted at the site and mailed, as a courtesy, to all property owners within a radius of 300 feet.

With regard to access, this proposal would not adversely impact the fire department’s ability to maneuver the Golden Gate Avenue circle. Additionally, this proposal would not modify or reduce the nearby public parking.

### **Fiscal Impact**

The cost of all document preparation, processing, and filing will be the responsibility of the property owners of 431 Golden Gate Avenue.

### **Recommendation**

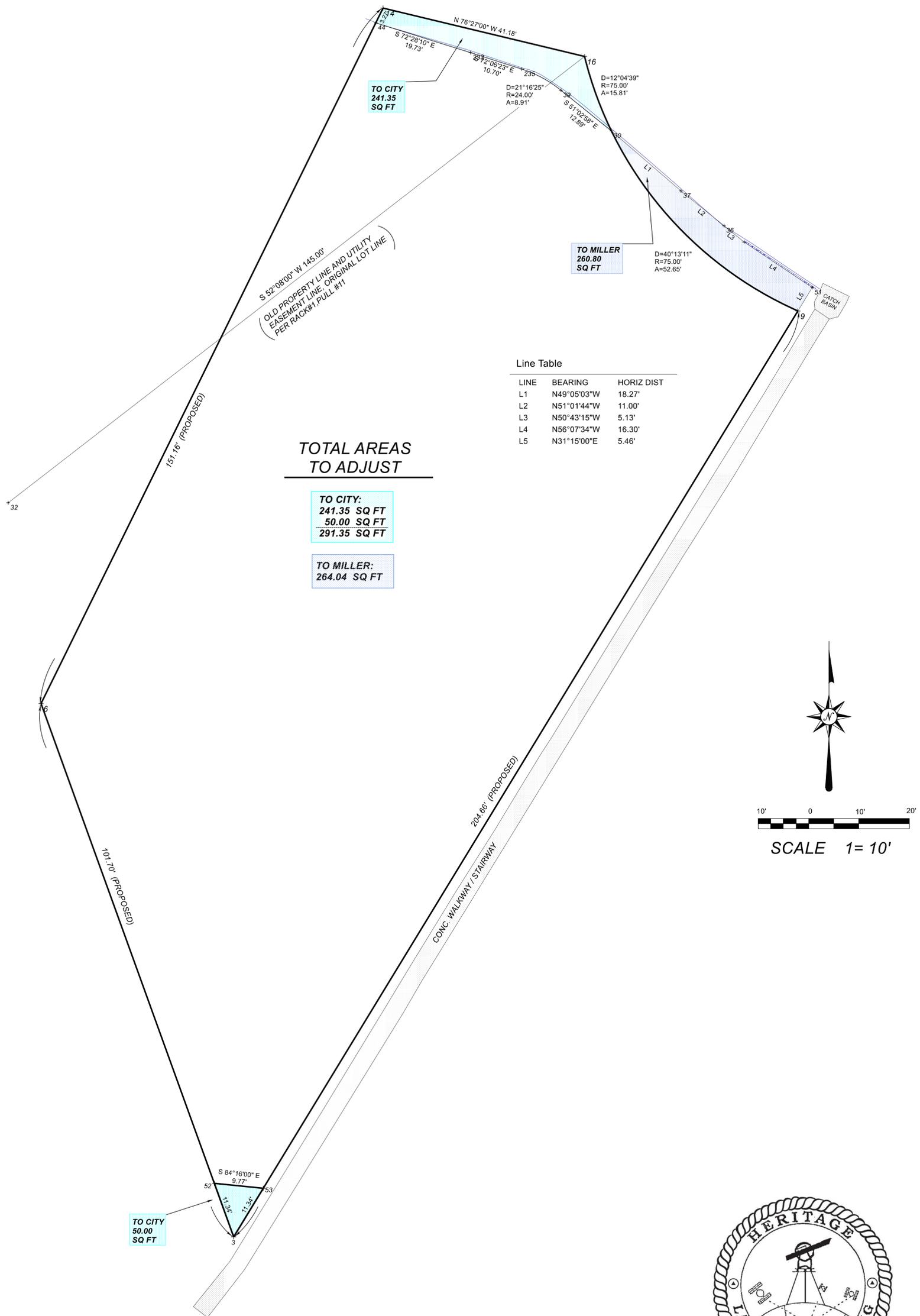
Review the land swap proposal and direct staff to set a hearing date for lot line adjustment and abandonment of a portion of the street right-of-way at 431 Golden Gate Avenue.

### **Attachments**

- Exhibit A – Proposed Lot Line Adjustment.
- Exhibit B – Photos of existing view near entry gate on Golden Gate Ave.
- Exhibit C—Letter from the property owner.

# EXHIBIT A

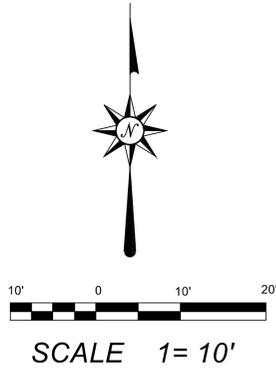
## PROPOSED LOT LINE ADJUSTMENT (MILLER / CITY OF BELVEDERE)



### TOTAL AREAS TO ADJUST

**TO CITY:**  
241.35 SQ FT  
50.00 SQ FT  
291.35 SQ FT

**TO MILLER:**  
264.04 SQ FT



**EXHIBIT B**



## EXHIBIT C

City Council Members  
City of Belvedere  
450 San Rafael Avenue  
Belvedere, CA 94920

April 3, 2019

Subject: Proposed 431 Golden Gate Avenue Lot Line Adjustment

Dear City Council Members:

Based on feedback from the City Council in the March 2019 meeting we have modified our proposal for a lot line adjustment as follows. A triangular section of land comprising 50 square feet at the southeast corner of the lot is being offered to the city in exchange for our proposal that the north property line be adjusted so that it conforms with the south edge of Golden Gate Avenue.

The proposed lot line adjustment along Golden Gate Avenue would relocate the property line from within the Golden Gate Avenue roadway to the edge of the roadway pavement along the westerly portion of the street frontage. The vacation/abandonment of an unimproved portion of right-of-way would include a portion of the existing upper driveway and adjacent frontage property which would become part of the 431 Golden Gate Avenue parcel.

The proposed exchange would:

- provide the City with clear right-of-way limits over the paved portion of Golden Gate Avenue roadway along the frontage of 431 Golden Gate Avenue,
- shift the potential public liability for injuries and damages to the owners of 431 Golden Gate Avenue for the existing private improvements in the public right-of-way, and
- involve approximately 30 square foot net increase of land to the city.

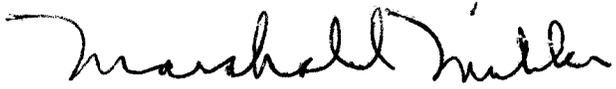
A question was raised during the March 2019 City Council meeting about the existing view corridor visible from Golden Gate Avenue at the location of our pedestrian gate at the south edge of the street. The attached photo shows this view, which will be preserved as part of our proposed remodel plans.

The attached proposed lot line adjustment shows the location of the 50 square foot triangular section of land at the southeast corner of our lot that we are offering to the city for a public bench or other purpose.

Finally, as part of our remodel proposal we will seek approval to relocate the existing fence at the southern edge of our property so that it is completely on our property.

Thank you for your consideration of this proposed lot line adjustment.

Sincerely,

A handwritten signature in black ink that reads "Marshall Miller". The signature is written in a cursive style with a large initial 'M' and a distinct 'l' at the end.

Marshall Miller