



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Katy Allen

**SUBJECT: SUMMARY VACATION OF
PUBLIC RIGHT-OF-WAY
AT 796 NORTH KING ROAD**

DATE: 12-17-07

Approved

Katy Allen

Date

12/21/07

COUNCIL DISTRICT: 5

RECOMMENDATION

Adoption of a resolution summarily vacating a portion of public right-of-way at the southeast corner of North King Road and Mabury Road (796 North King Road), recorded March 25, 1993 in Book M683, Page 1280 of Official Records, Office of the Recorder, County of Santa Clara, and reserving a public service easement over the entire area being vacated.

OUTCOME

Council adopts a resolution summarily vacating a portion of public right-of-way at the southeast corner of North King Road and Mabury Road (796 North King Road), and reserving a public service easement over the entire area being vacated.

BACKGROUND

The developer, Satindar Dhillon, submitted an application for the vacation of a portion of public right-of-way at the southeast corner of North King Road and Mabury Road (796 North King Road-map attached), on behalf of the property owners Carmelo G. Rosado and Leticia C. Rosado. The applicant requests the vacation of this portion of public right-of-way as part of the development of the property for retail/commercial purposes under Site Development Permit H04-047.

ANALYSIS

Staff has determined that this 544.5 square feet portion at the southeast corner of North King Road and Mabury Road (796 North King Road) is excess right-of-way and no longer needed for street purposes. Section 8334(a) of the California Streets and Highways Code allows the legislative body of a local agency to summarily vacate right of way, when the local agency has determined that the vacation abandons excess street right of way. All concerned utility

companies have consented to the vacation provided that a public service easement is reserved over the entire area being vacated.

According to the title report issued by First American Title Insurance Company, dated April 19, 2007, Carmelo G. Rosado and Leticia C. Rosado, hold fee ownership to the subject portion of the right-of-way. Upon recordation of the vacation, the subject portion will revert to the fee owners and no further action by the City will be required.

EVALUATION AND FOLLOW-UP

This project addresses Public Works performance measures to maintain a 100% cost-recovery program by charging service fees to pay for the staff time involved in this street vacation process.

If Council adopts this resolution summarily vacating a portion of public right-of-way at the southeast corner of North King Road and Mabury Road (796 North King Road), no further action by the City will be required.

POLICY ALTERNATIVES

Not applicable.

PUBLIC OUTREACH/INTEREST

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

This action does not meet any of the criteria above. All concerned utility companies have been contacted in writing and have no objection to this vacation on the condition that a public service easement is reserved over the entire right-of-way area to be vacated. In addition, the public was afforded the opportunity to discuss this item during the March 9, 2005 Planning Director's hearing for the project development proposal. This memorandum will be posted to the City's website for the January 15, 2008 Council agenda.

HONORABLE MAYOR AND CITY COUNCIL

12-17-07

Subject: Summary Vacation of Public Right-of-Way at 796 North King Road

Page 3

COORDINATION

The vacation has been coordinated with the Departments of Planning, Building, and Code Enforcement, Transportation, Fire, Police, City Manager's Budget office, and all public utility companies. All appropriate public utility companies have consented to the proposed vacation. The vacation and required resolution have been reviewed by the City Attorney's Office.

FISCAL/POLICY ALIGNMENT

Vacating a portion of the public right-of-way is in alignment with the Mayor's June 2007 Budget Message in that this action will reduce a potential City liability.

COST SUMMARY/IMPLICATIONS

The Public Works Department collected cost-recovery fees to process this public right-of-way vacation.

BUDGET REFERENCE

Not applicable.

CEQA

CEQA: Exempt, H04-047.



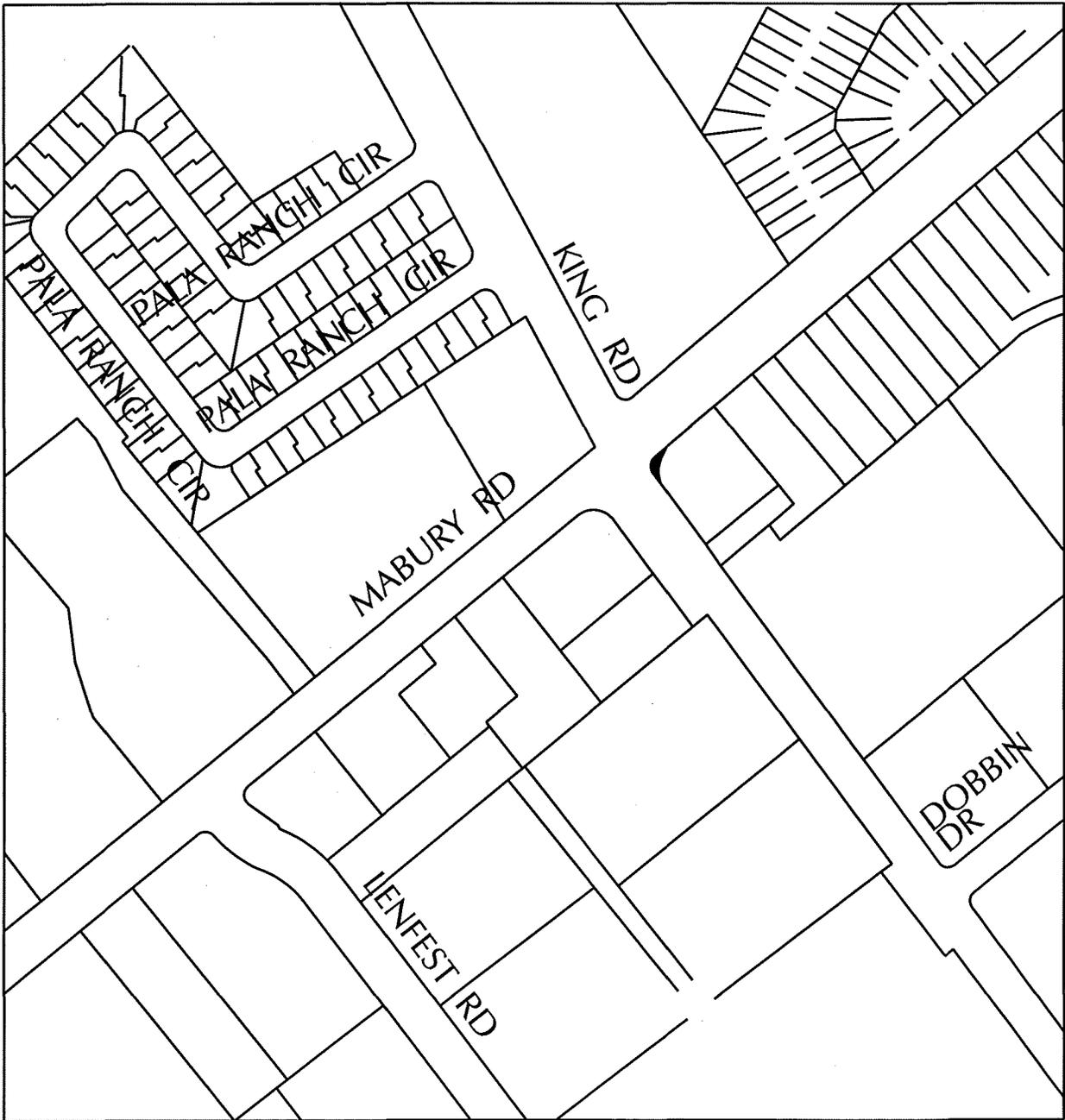
KATY ALLEN
Director, Public Works Department

For questions please contact TIMM BORDEN, DEPUTY DIRECTOR, 408-535-8300.

PD:ML:dcs
(CM120407 3_06604 Street Vac 1st Memo)
Attachment

LOCATION MAP

VACATION OF A PORTION OF THE SOUTHEAST CORNER OF
MABURY ROAD AND KING ROAD



AREA TO BE VACATED

