



COUNCIL AGENDA: 02-15-05

ITEM: 2.11

# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Katy Allen

**SUBJECT: DESIGNATION OF ADDITIONAL  
RIGHT-OF-WAY FOR THE  
IMPROVEMENT OF KING ROAD**

**DATE:** 01-26-05

Approved

Date

2/1/05

Council Districts: 5 & 7

SNI: East Valley/680

## RECOMMENDATION

Approval of an ordinance pursuant to Charter Section 1702 to authorize the establishment of public right of way over a 392-foot long strip of City-owned property currently comprising a portion of Emma Prusch Memorial Park, between 16 and 59 feet in width, to accommodate the widening of King Road between Story Road and Route 680.

CEQA: Exempt, PP01-03-050.

## BACKGROUND

The Story & King Intersection Revitalization Strategy, adopted by Council in 1997, called for improvement to the physical and social environments at the intersection. A number of projects have been implemented to this end, including the Prusch Park Perimeter Improvement Project, the Blake Hunt development at the southeast corner, various facade projects scheduled for the southwest and northeast corners and the Story Road Median Project. This streetscape project continues the improvements specified in the adopted strategy and will satisfy the requirements of the development project by Blake Hunt Ventures, Inc. on the southeast corner, enhance the safety and visual features of the transportation corridor, and provide a more attractive and safe environment for both pedestrians and motorists. The project limits of work include improvements along King Road from Lido Way to Marsh Street and improvements on Story Road from the proposed Target driveway to McCreery Avenue.

The scope of work for this project consists of the demolition of asphalt pavement, concrete medians and sidewalks, and driveways. Improvements consist of widening King Road to accommodate the addition of second northbound and southbound left-turn lanes at Story Road, installation of dedicated northbound and southbound right turn lanes, realignment of curb and gutter on King Road, utility under grounding of PG&E and SBC distribution lines, two traffic signal modifications, two new traffic signals, enhanced pedestrian crossings, storm drainage

improvements, street lighting, sidewalk construction, tree planting, decorative pavers in reconstructed medians, asphalt concrete pavement work, bus stop duck-outs, and associated work. Construction is scheduled to begin in April 2005 with completion in December 2005.

### **ANALYSIS**

The proposed ordinance would designate the subject strip of land as public right-of way in order to facilitate the improvements of the King/Story Road widening. The newly designated right-of-way will support an approved construction project that will widen King Road and relocate franchised utilities. The project includes extending curb and pavement along King Road and sidewalk improvements. Under Charter Section 1702, an ordinance is necessary to establish this area as right of way as it is currently within the boundary of Emma Prusch Park.

Designating the City-owned property as public right-of-way will clarify the exact location of the public right-of-way and facilitate the relocation of public utilities. In addition, the relocation of public utilities is much simpler when the City can clearly show that relocation is from and to a public right-of-way. Accordingly, the ordinance will both satisfy the needs of the public record and provide the basis for utility relocation requirements in conjunction with the expansion of King Road. See attached Exhibit A map.

### **PUBLIC OUTREACH**

Not applicable.

### **COORDINATION**

This memo has been coordinated with the Redevelopment Agency, the Departments of Transportation, Parks, Recreation and Neighborhood Services, Planning, Building and Code Enforcement, the City Manager's Budget Office and City Attorney's Office.

### **COST IMPLICATIONS**

There is no cost to the City in establishing City-owned property as part of the public right-of-way.

Cost implications associated with the King Road Widening Project will be discussed in future Council memoranda concerning those improvements.

HONORABLE MAYOR AND CITY COUNCIL

01-26-05

**Subject: Designation of Additional Right-of-Way for the Improvement of King Road**

Page 3

**CEQA**

Exempt, PP01-03-050.



KATY ALLEN

Director, Public Works Department

MK:hla

mk011805cc

Attachment

## LEGAL DESCRIPTION "EXHIBIT A"

All that real property situate in the City of San Jose, County of Santa Clara, State of California, described as follows:

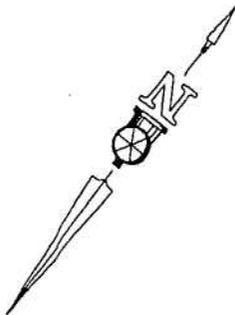
Being a portion of that certain property described within a "Memorandum of Lease" recorded December 10, 1985 in Document Number 8634595, in Book J556, at Page 20, Santa Clara County Records, further described as follows:

Commencing at a found  $\frac{3}{4}$  inch iron pipe in a Monument Box at the Point of Intersection of the centerline of "Story Road" with the centerline of "King Road", as said roads existed prior to 1958; thence from said Point of Commencement South  $49^{\circ}42'45''$  West along the centerline of said "Story Road", 195.04 feet to a nail and shiner per said (Doc. No. 8634595); thence from last said centerline running North  $37^{\circ}31'00''$  West and parallel with the centerline of said "King Road", 60.05 feet to a  $\frac{3}{4}$  inch iron pipe per said (Doc No. 8634595) lying on the northwesterly right of way line of "Story Road" (120.00 feet in width); thence along last said northwesterly right of way line North  $49^{\circ}42'45''$  East, 114.88 feet to the "True Point of Beginning"; thence continuing along last said right of way line North  $49^{\circ}42'45''$  East, 16.06 feet to a  $\frac{3}{4}$  inch iron pipe per said (Doc No. 8634595) and the beginning of a tangent curve concave westerly, having a radius of 20.00 feet; thence northeasterly, northerly and northwesterly along said curve through a central angle of  $87^{\circ}13'45''$ , an arc length of 30.45 feet to a  $\frac{3}{4}$  inch iron pipe per said (Doc No. 8634595) lying on the southwesterly right of way line of "King Road" (90.00 feet in width); thence along said southwesterly right of way line North  $37^{\circ}31'00''$  West, 130.94 feet to a  $\frac{3}{4}$  inch iron pipe per said (Doc No. 8634595); thence South  $49^{\circ}42'45''$  West and parallel with the centerline of said "Story Road", 4.64 feet to a point; thence South  $37^{\circ}24'54''$  East, 118.68 feet to the beginning of a tangent curve concave westerly, having a radius of 31.50 feet; thence southeasterly, southerly and southwesterly along said curve through a central angle of  $87^{\circ}42'07''$ , an arc length of 48.22 feet; thence South  $40^{\circ}17'15''$  East, 1.37 feet to the northwesterly right of way line of said "Story Road" and the True Point of Beginning.

Containing an area of 869.87 Square Feet (0.02 Acres), more or less.

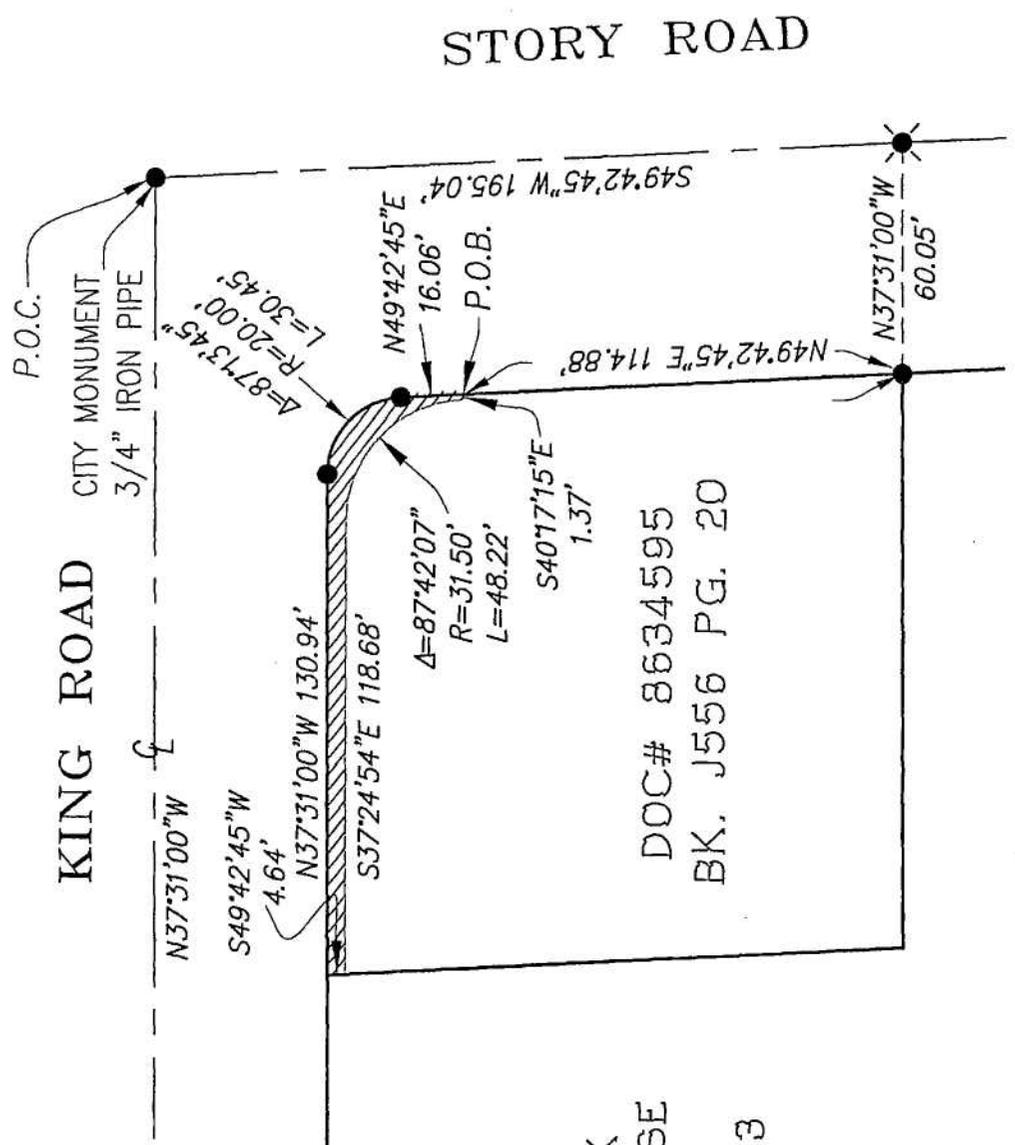
Attached hereto is a plat labeled "Exhibit B", hereby referred to and made a part hereof.





LEGEND

- 3/4" IRON PIPE
- ⊙ NAIL & SHINER

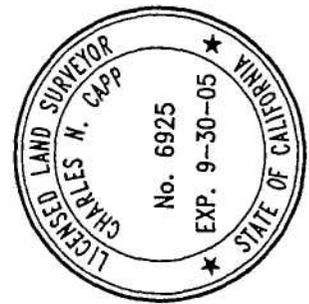


STORY ROAD

KING ROAD

EMMA PRUSCH  
 MEMORIAL PARK  
 CITY OF SAN JOSE  
 DOC# 2241645  
 BK. 5679 PG.453

DOC# 8634595  
 BK. J556 PG. 20



**BELLECCI & ASSOCIATES, INC.**  
 • CIVIL ENGINEERING • LAND PLANNING • LAND SURVEYING  
 2340 SANTA RITA ROAD, SUITE 6, PLEASANTON, CA 94588  
 PHONE (925) 885-4589 FAX (925) 800-7846

EXHIBIT

DATE: 10/25/04 SCALE: 1"=50'  
 FILE NO.: P:\03088 SHEET 1 OF 1

EXHIBIT B

SAN JOSE

CALIFORNIA

## LEGAL DESCRIPTION "EXHIBIT A"

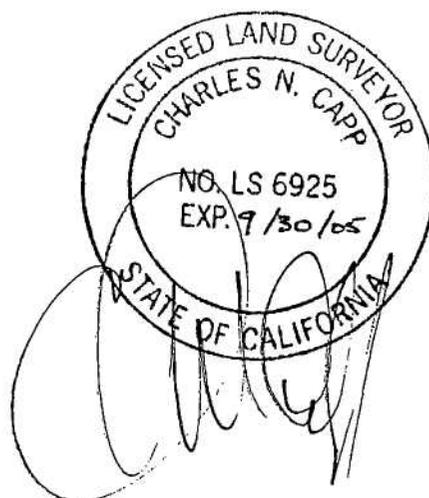
All that real property situate in the City of San Jose, County of Santa Clara, State of California, described as follows:

Being a portion of that certain property entitled "Emma Prusch Memorial Park" as described within a deed recorded August 10, 1962 in Document Number 2241645, in Book 5679, at Page 453, Santa Clara County Records, further described as follows:

Beginning at the most northerly corner of that certain parcel of land as described within a "Memorandum of Lease" recorded December 23, 1985 in Document Number 8634595 in Book J556, at Page 20, Santa Clara County Records; thence from last said northerly corner northwesterly along the southwesterly right of way line of "King Road" North 37°31'00" West, 55.00 feet; thence North 49°42'45" East, 45.05 feet to a point lying on the centerline of said "King Road"; thence along last said centerline of said "King Road" North 37°31'00" West, 214.09 feet; thence South 52°29'00" West, 58.74 feet; thence South 39°26'11" East, 271.65 feet to a point lying on the northwesterly line of said Memorandum of Lease" (Doc No. 8634595); thence along last said northwesterly line North 49°42'45" East, 4.64 feet to the Point of Beginning.

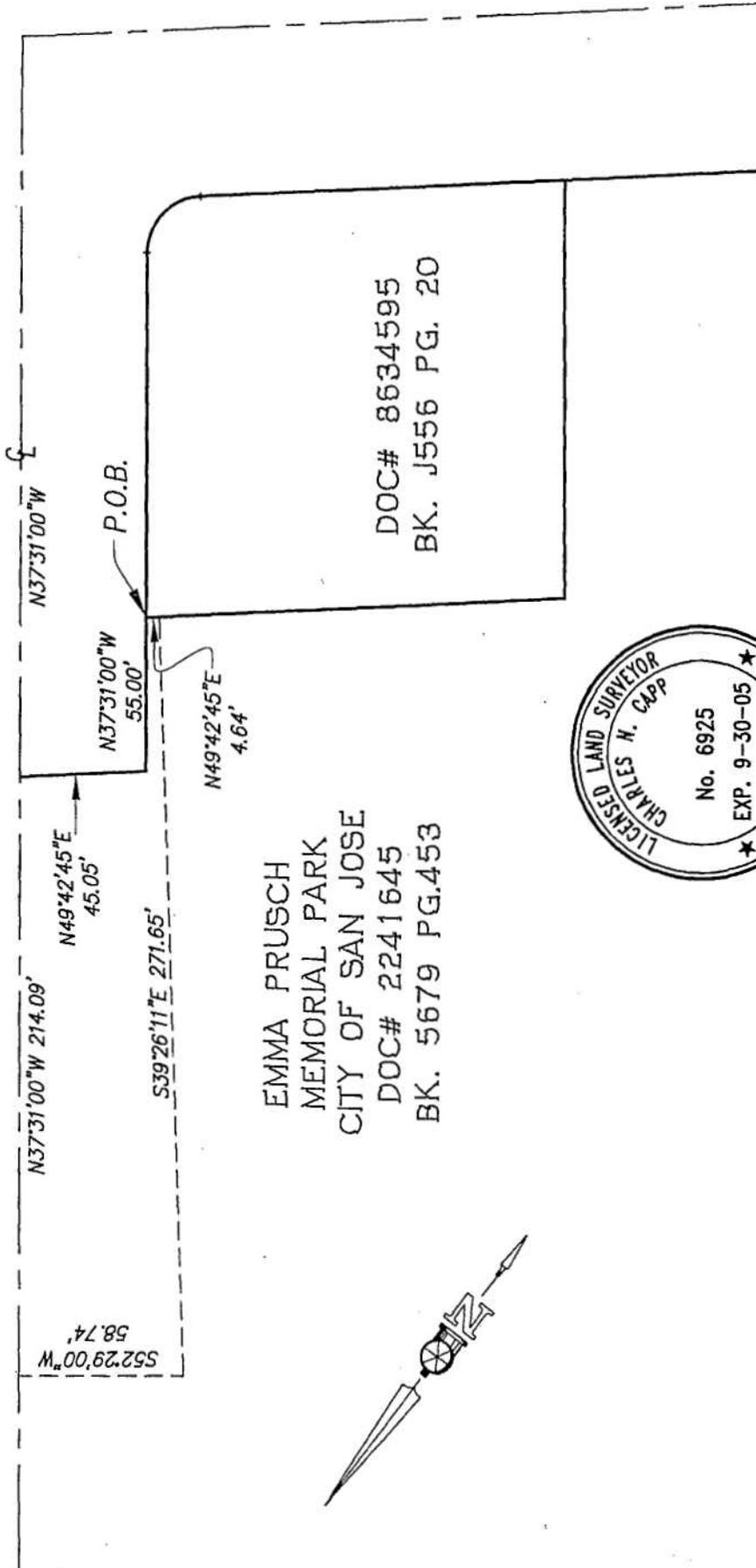
Containing an area of 12,177.66 Square Feet (0.28 Acres), more or less.

Attached hereto is a plat labeled "Exhibit B", hereby referred to and made a part hereof.



STORY ROAD

KING ROAD



DOC# 8634595  
BK. J556 PG. 20

EMMA PRUSCH  
MEMORIAL PARK  
CITY OF SAN JOSE  
DOC# 2241645  
BK. 5679 PG.453



P:\Projects\2003\03088\DMC\Legal Description\legal desc plat Oct 25-04.dwg

EXHIBIT

DATE: 10/25/04	SCALE: 1"=60'
FILE NO.: P:\03088	SHEET 1 OF 1

EXHIBIT B

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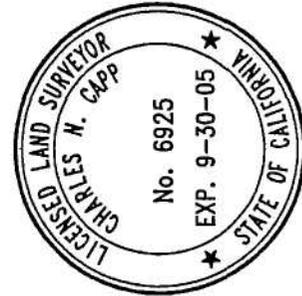
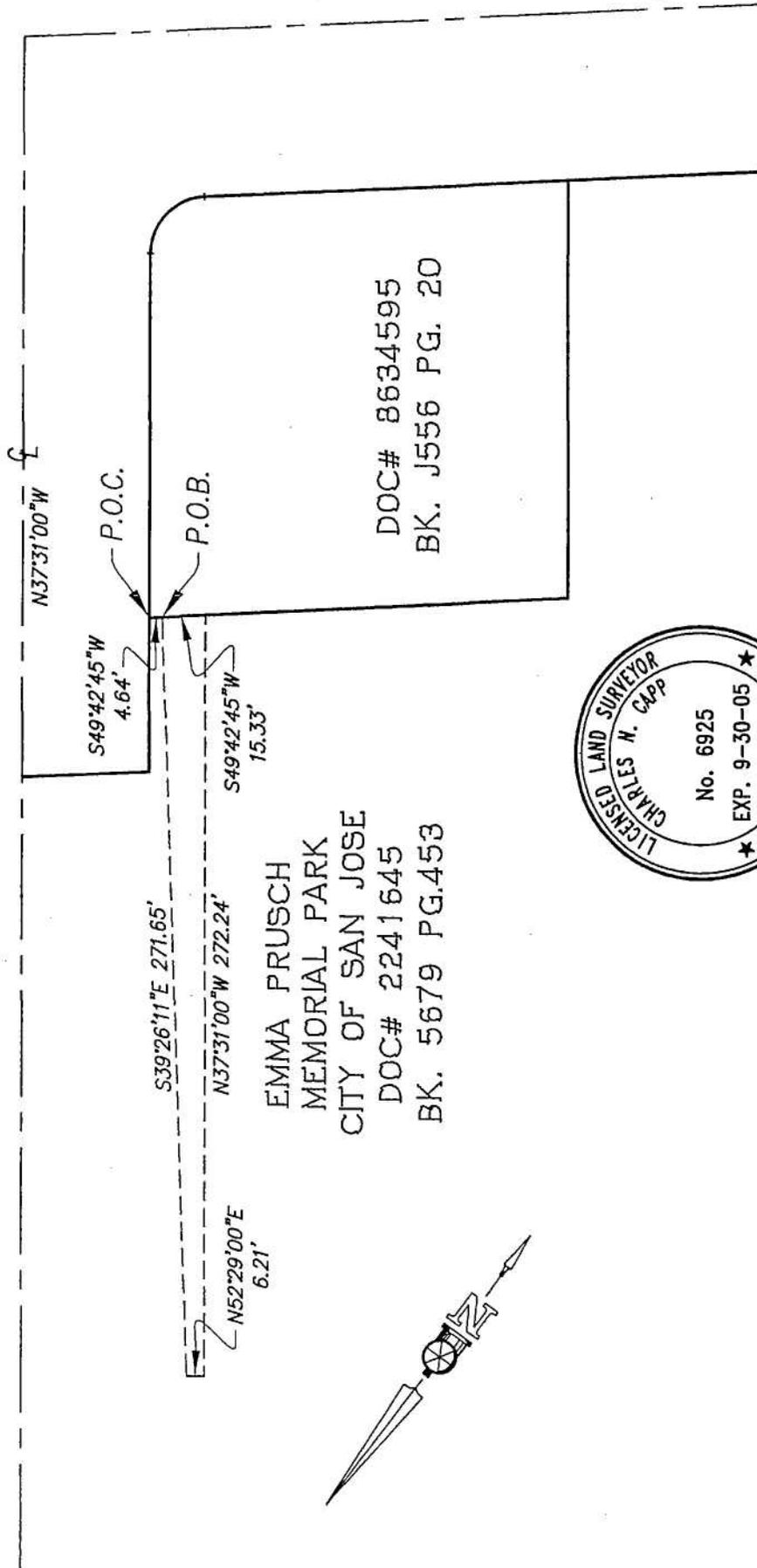
Containing an area of 2,926.34 Square Feet (0.07 Acres), more or less.

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STORY ROAD

KING ROAD



P:\Projects\2003\03088\DWG\Legal Description\Legal desc plot Oct 25-04.dwg

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