



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Katy Allen

**SUBJECT:** FIRE STATION 34 STORM DRAIN  
EASEMENT ACQUISITION

**DATE:** 02-28-07

Approved

*Deanna Fortna*

Date

*3/5/07*

**COUNCIL DISTRICT:** 4

## RECOMMENDATION

Adoption of a resolution approving a donation agreement with PS Business Parks, L.P., a California Limited Partnership, for conveyance of a storm drain lateral permanent easement and authorizing the Director of Public Works to execute any additional documents necessary to complete the transaction.

## OUTCOME

Approval of the donation agreement will permit installation of a permanent storm drain lateral from the new Fire Station 34 to the existing storm drain located on adjacent private property.

## BACKGROUND

Fire Station 34 will be constructed on the easterly portion of the six-acre site formerly known as Las Plumas Warehouse. The design necessitates a storm drain connection to an existing storm drain on private property adjacent and immediately east of the City-owned property.

The storm drain lateral is approximately a 25-foot line of 18-inch diameter pipe that will permit proper drainage of the Fire Station 34 property site. It will connect to the existing 30-inch storm drain that runs parallel from the Las Plumas Avenue right-of-way street within the driveway of the adjacent owner's property along side the Fire Station 34 site (map attached). The storm line empties and terminates into Silver Creek.

An engineering drawing showed the adjacent storm drain as included within an easement extending to the City's property. Review of documents revealed that the easement, as recorded, does not extend to the City's property thus requiring the acquisition of the easement from the City's property to the existing easement within adjacent privately owned property. Staff relied upon the engineered drawing when initial design of the project was undertaken. Based upon review of recorded documents, the drawings and construction contract have been corrected to reflect the need for acquisition of the easement requested herein.

## ANALYSIS

PS Business Parks, L.P, owners of the adjacent private property at 1650 Las Plumas site / 591 N. King Road have executed an agreement donating a 20-foot by 10-foot rectangular piece of property to install a 25-foot long, 18-inch diameter storm drain pipe, to be buried 7 feet deep connecting to the existing storm drain.

The drainage system at the new firehouse includes a storm filter that complies with C-3 storm provisions to prevent excessive debris from entering the storm drain. Construction of the storm drain lateral is projected to commence immediately upon Council approval of this agreement and be completed by April 30, 2007.

## POLICY ALTERNATIVES

**Alternative #1:** Not obtain the permanent easement and connect to the existing storm drain by extending the storm drain on City property to the adjacent Las Plumas Street and connecting therein to the existing storm drain.

**Pros:** Donation of a storm drain easement from the adjacent private property owner would not be required.

**Cons:** Rather than connecting to the existing storm drain through acquisition of a 20 foot easement, the City would have to construct an additional 50 linear feet of sewer line to be able to connect with the existing line within the street.

**Reason for not recommending:** The additional 50 linear feet of sewer line construction is estimated to cost an additional \$300,000. Running sewer line from the City fire station project to the street rather than running from the fire station to the existing adjacent sewer would preclude use of the same line should the City, as planned, subsequently develop the City-owned property immediately adjacent and south of the City's fire station development. Future development of the southern portion of the City-owned property will require an additional line should the easement, as requested herein, be unavailable.

## PUBLIC OUTREACH/INTEREST

- Criteria 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criteria 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)**
- Criteria 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)**

While this action does not meet the \$1 million threshold under Criteria 1, this memorandum will be posted on the City's website for the March 20, 2007 Council agenda.

On September 29, 2006, City staff met with the property manager to discuss the fire station and storm drain projects. On November 16, 2006, staff emailed the property owner an update of the project and detailed information on the proposed storm drain lateral improvement. At this time, the owner was asked to donate an easement on their property for the project. In December, staff sent an easement donation agreement to the property owner which they have executed.

**COORDINATION**

This project has been coordinated with the Department of Planning, Building and Code Enforcement, Fire Department, the City Manager's Budget Office and the City Attorney's Office.

**FISCAL/POLICY ALIGNMENT**

This donation agreement complies with the general budget principles in the 2006-2007 Mayor's Budget Message, General Recommendations by being open to alternative ways to deliver services and reduce costs through appropriate community partnerships and public-private partnerships.

**COST SUMMARY/IMPLICATIONS**

There will be no compensation required to be paid to the property owners. The only costs will be staff time associated with the project together with an estimated \$3,000 for escrow, title insurance and closing expenses.

**BUDGET REFERENCE**

Fund #	Appn. #	Appn. Name	RC #	Total Appn.	Amt. For Contract	2006-2007 Adopted Budget Page*	Last Budget Action (Date, Ord. No.)
475	4550	Land Acquisition - Fire Station	122875	\$3,211,000	N/A	V-360	10/17/2006, Ord No. 27888

HONORABLE MAYOR AND CITY COUNCIL

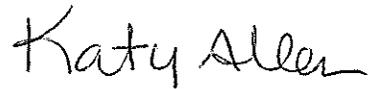
02-28-07

**Subject: Fire Station 34 Storm Drain Easement Acquisition**

Page 2

**CEQA**

CEQA: Exempt, PP 05-104.

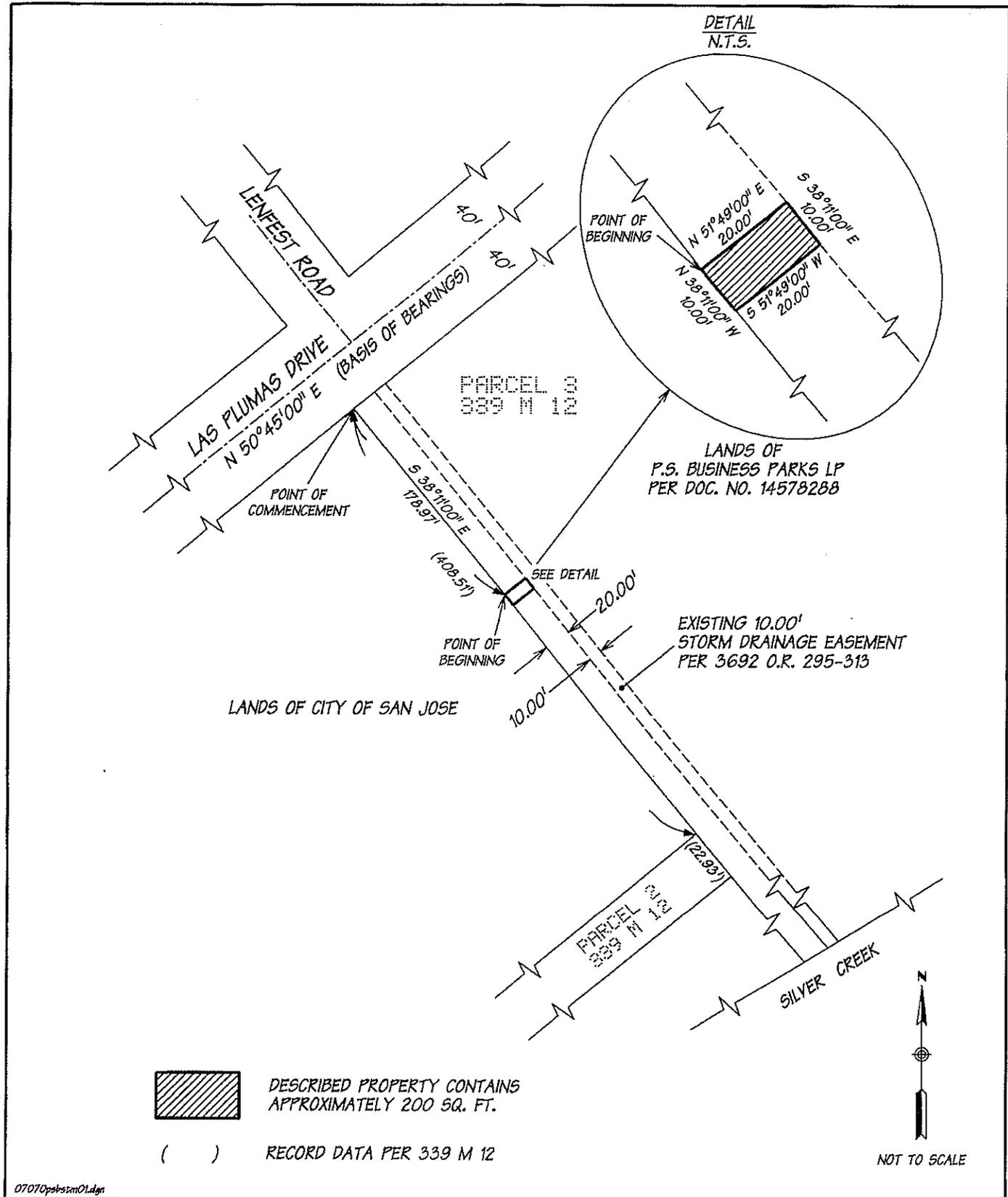
A handwritten signature in black ink that reads "Katy Allen". The signature is written in a cursive, flowing style.

KATY ALLEN

Director, Public Works Department

For questions please contact DAVID SYKES, ASSISTANT DIRECTOR, at 408-535-8300.

# EXHIBIT A



## DESCRIPTION OF REAL PROPERTY

PREPARED BY  
CITY OF SAN JOSE  
SURVEY SECTION  
NOVEMBER 7, 2006