

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Katy Allen

SUBJECT: SEE BELOW

DATE: 03-07-07

Approved

Katy Allen

Date

3/9/07

COUNCIL DISTRICT: 6

SUBJECT: PUBLIC SERVICE EASEMENT VACATION OF NORTHWEST CORNER OF MAGLIOCCO DRIVE AND HUFF AVENUE

RECOMMENDATION

Conduct a public hearing and adopt a resolution to vacate the public service easement created by Tract 9588, located on the northwest corner of Magliocco Drive and Huff Avenue.

OUTCOME

Vacation of the public service easement created by Tract 9588, located on the northwest corner of Magliocco Drive and Huff Avenue.

BACKGROUND

Huff Associates has submitted an application for the vacation of the public service easement (PSE) that was created with the Tract 9588 (map attached). This vacation is required to fulfill development conditions of Planned Development Permit 01-075, which proposes construction of 50 multi-family attached residences. Currently, the underground parking garage would encroach into this easement.

The title report indicates that Huff Associates is the underlying fee owner for this property located on the northwest corner of Magliocco Drive and Huff Avenue.

On March 6, 2007, Council adopted a resolution which declared the Council's intention to vacate the subject PSE. The resolution approved a map showing the subject easement to be vacated, set the public hearing for March 27, 2007 at 1:30 p.m. and directed the Director of Public Works to post the site with a Notice of Vacation.

ANALYSIS

Staff has determined that this PSE is not necessary. All concerned utility companies have consented to the proposed vacation.

POLICY ALTERNATIVES

Not applicable.

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)**

This action does not meet any of the criteria above. However, as directed at the March 6, 2007 Council hearing, staff has posted the site with a Notice of Vacation and the City Clerk has advertised this public hearing. This memorandum will be posted on the City's website for the March 27, 2007 Council agenda.

COORDINATION

The vacation has been coordinated with the Department of Planning, Building and Code Enforcement and City Manager's Budget Office. Additionally, the vacation and required resolution have been reviewed by the City Attorney's Office.

COST SUMMARY/ IMPLICATIONS

The Public Works Department collected cost-recovery fees to process this street vacation.

HONORABLE MAYOR AND CITY COUNCIL

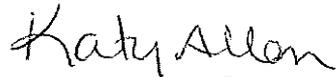
03-07-07

Subject: Public Service Easement Vacation For northwest Corner Of Magliocco Drive and Huff Avenue

Page 3

CEQA

CEQA: Mitigated Negative Declaration, PDC01-008.



KATY ALLEN

Director, Public Works Department

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

PD:VT:dcs

Attachment

LOCATION MAP

SHOWING THE P.S.E. TO BE VACATED
NWC OF HUFF AVENUE AND MAGLIOCCO DRIVE



 AREA TO BE VACATED

