



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Peter Jensen

SUBJECT: SEE BELOW

DATE: May 15, 2006

Approved

Deanna Santana

Date

5/19/06

COUNCIL DISTRICT: # 5

SNI AREA: n/a

SUBJECT: APPROVAL OF AN AGREEMENT BETWEEN THE CITY OF SAN JOSE AND ANTHONY CARUSO FOR THE EXCHANGE OF EASEMENTS IN ALUM ROCK VILLAGE

RECOMMENDATION

1. Approval of the agreement between the City of San Jose and Anthony Caruso for the exchange of easements in Alum Rock Village; and
 2. Adoption of a Resolution delegating authority to the Director of General Services to execute all documents necessary to complete the transfer of each property.
- CEQA: Exempt Under Section 15-332

OUTCOME

The exchange of easements at the Alum Rock Village parking lot provides a new alternate entrance to the lot from White Road, an exit from Mr. Caruso's development at 16-18 White Road and enables construction of a larger building on the White Road property. In addition the developer will construct a new trash enclosure on the Alum Rock Village parking lot for the use of other Alum Rock Village Merchants.

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BACKGROUND

On September 23, 2004, Anthony Caruso applied for a Site Development permit (Permit # H04-046) to construct a commercial building on property he owns located at 16-18 White Road. As a condition of his permit Mr. Caruso is required to obtain a Public Works Clearance.

A requirement for that clearance includes acquiring a nonexclusive egress easement over the City Owned Alum Rock Village Parking lot. The ingress for Mr. Caruso's development is a single lane driveway from White Road and will be used by the public as an alternate access to the Alum Rock Village Parking lot.

In August of 2005 Department of Transportation, Parking Administration approached General Services Real Estate staff and asked them to facilitate the exchange of easements between the City and Mr. Caruso. In addition, the Neighborhood Business District requested that Mr. Caruso provide a new trash enclosure for other merchants in Alum Rock Village as part of the compensation for the easement.

ANALYSIS

Staff negotiated an exchange of easements with Mr. Caruso's representative giving the developer a nonexclusive public egress easement over city-owned property in exchange for a public ingress easement over the developer's property and construction of a new trash enclosure on the existing Alum Rock Village parking lot at no cost to City.

The ingress/egress easements and the construction of the new trash enclosure benefit the City, Mr. Caruso's development and other merchants in the Alum Rock Village.

ALTERNATIVES

Not Applicable

PUBLIC OUTREACH

A public hearing on the proposed White Road development was held by the Planning Department on March 16, 2005. There was no discussion about the easement exchange at the public hearing although it was part of the project.

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COORDINATION

This item was coordinated with the Departments of Planning, Building and Code Enforcement, Public Works, Transportation and the Redevelopment Agency. The City Attorney has approved the Agreement as to form.

COST IMPLICATIONS

The cost associated with this recommendation includes staff time to negotiate, process and record the easements. In addition, the City receives the enclosed trash receptacle at no cost to the City.

BUDGET REFERENCE

Not Applicable

CEQA

Exempt Under Section 15-332



PETER JENSEN

Director of General Services

For questions please contact Peter Jensen, Director of General Services, at 408-938-2025.