



COUNCIL AGENDA: 06-12-07

ITEM: 2.10

# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Katy Allen

**SUBJECT:** SUMMARY VACATION OF  
HOLGER WAY

**DATE:** 05-21-07

Approved

*Deanna Santana*

Date

*5/24/07*

**COUNCIL DISTRICT:** 4

## RECOMMENDATION

Adoption of a resolution summarily vacating Holger Way between Headquarters Drive and North First Street, recorded August 20, 1987 in Book K267, Pages 146, 156, and 162, 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 Holger Way between Headquarters Drive and North First Street, and reserving a public service easement over the entire area being vacated.

## BACKGROUND

Kier & Wright Civil Engineers & Surveyors, Inc. submitted an application for the vacation of Holger Way between Headquarters Drive and North First Street, on behalf of the developer, Storm Land Company. The applicant requests the vacation of this segment to accommodate development of adjacent properties and convert the roadway into a private street.

Holger Way was dedicated to the City and recorded on August 20, 1987 in Book K267, Page 146, Instrument No. 9403957, Book K267, Page 156, Instrument No. 9403958, and Book K267, Page 162, Instrument No. 9403959, Official Records. The subject portion of Holger Way has been closed since 2001 with a chain-linked fence.

## ANALYSIS

Staff has determined that this portion of Holger Way is not needed as a public street. The subject portion has been closed since 2001, which made it impassable to vehicular travel for more than five consecutive years. During this period, no public money was expended for maintenance on the street.

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

According to the title report issued by Chicago Title Company, dated February 27, 2007, Metropolitan Life Insurance Company, a New York Corporation, and Palm, Inc., a Delaware Corporation, hold fee ownership to this portion of Holger Way. Upon recordation of the vacation, this portion of Holger Way will revert to the fee owners and no further action by the City will be required.

### **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, the public was afforded the opportunity to comment on the proposed easement vacation during the Planning Commission hearing on May 16, 2007. The Planning Commission forwarded a recommendation to the City Council for approval of the vacation. This memorandum will be posted to the City's website for the June 12, 2007 Council agenda.

### **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. The vacation and required resolution have been reviewed by the City Attorney's Office. Additionally, the Planning Commission has recommended approval of the vacation.

**FISCAL/POLICY ALIGNMENT**

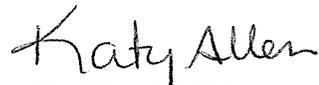
Vacating the public right-of-way is in alignment with the Council-approved Budget Strategy Expenditure Control section by eliminating a City maintenance obligation and liability in the public right-of way.

**COST SUMMARY/IMPLICATIONS**

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

**CEQA**

CEQA: EIR Resolution No. 67510.

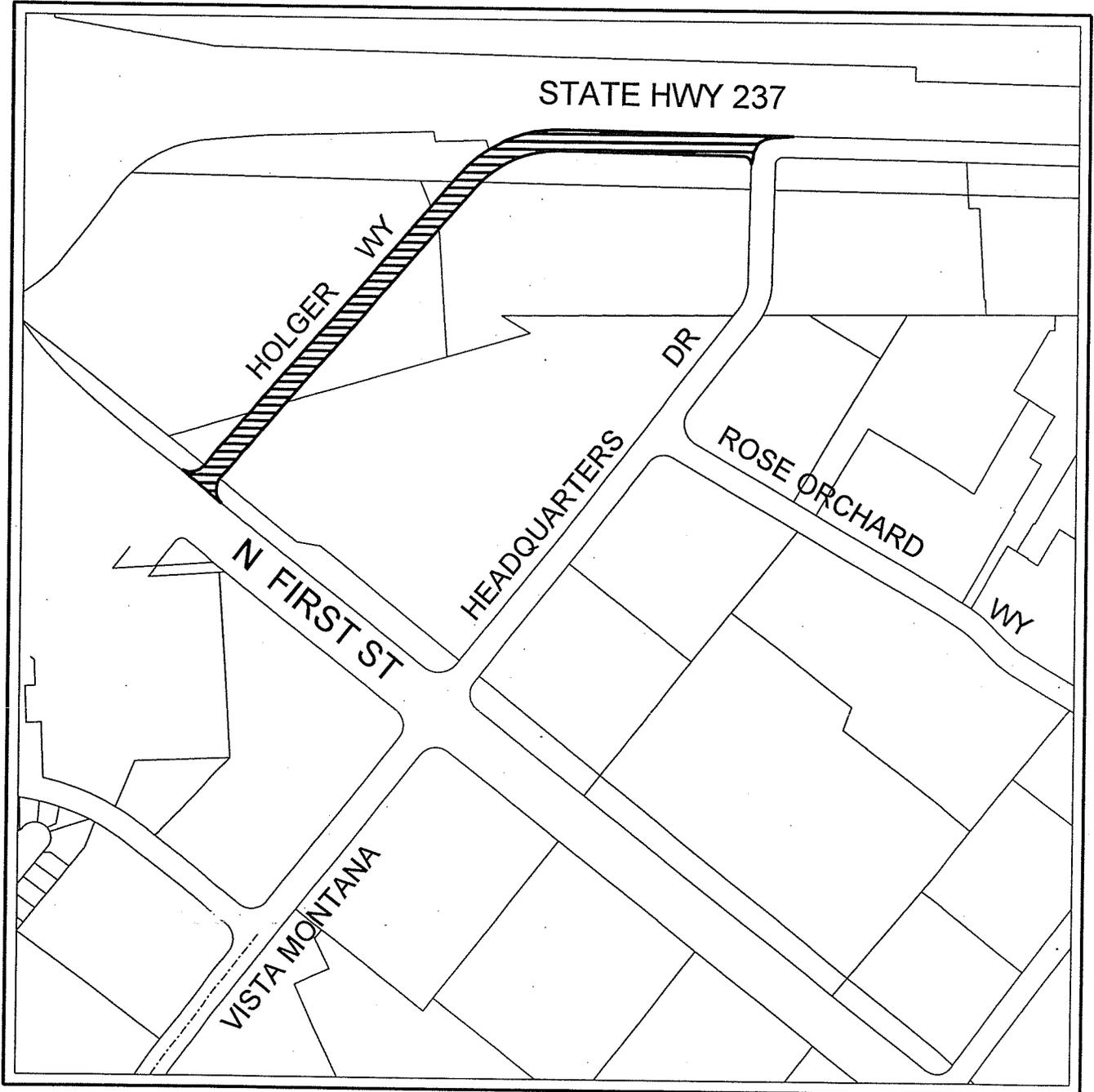


KATY ALLEN  
Director, Public Works Department

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

# LOCATION MAP

SHOWING THE PORTION OF HOLGER WAY TO BE VACATED  
(WITH RESERVATION OF A PUBLIC SERVICE EASEMENT)



AREA TO BE VACATED

