

# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Katy Allen

**SUBJECT:** VACATION OF A PORTION  
OF NINTH STREET

**DATE:** 05-30-06

Approved

*Deanna Sautra*

Date

*6/4/06*

**COUNCIL DISTRICT:** 3  
**SNI AREA:** 13<sup>th</sup> Street

## RECOMMENDATION

Adoption of a resolution of intention to vacate an easterly portion of Ninth Street between Taylor and Jackson Streets with reservation of a public service easement and setting a public hearing on August 8, 2006 at 1:30 p.m.

CEQA: Mitigated Negative Declaration, PDC05-059.

## OUTCOME

Council adopts a resolution of intention to vacate an easterly portion of Ninth Street between Taylor and Jackson Streets with reservation of a public service easement, and sets a public hearing for August 8, 2006 at 1:30 p.m. for consideration of adoption of a proposed resolution vacating an easterly portion of Ninth Street with reservation of a public service easement.

## BACKGROUND

Charles W. Davidson Company submitted an application to vacate the easterly portion of Ninth Street between Taylor and Jackson Streets (map attached). The street vacation is a condition of approval for construction of 44 single-family detached residences on a 2.79 gross acres site per Planned Development Zoning, PDC05-059. The vacated area is proposed for inclusion into the proposed site plan for the residential project.

## ANALYSIS

Staff has determined that this portion of Ninth Street between Taylor and Jackson Streets is no longer needed as a public street. A title report issued by First American Title, dated March 24, 2006, indicates that the City holds fee title to the portion of Ninth Street to be vacated. All

concerned utility companies have consented to the street vacation with the condition that the City reserves a public service easement (PSE) over the area to be vacated.

At the same time that Council will consider adoption of a resolution vacating the portion of the street with the PSE reservation on August 8, 2006, Council will also be asked to approve of an agreement authorizing the sale of the property to the adjacent owner for just compensation.

The actions required for the vacation of the subject right-of-way are:

June 20, 2006 at 1:30 p.m.: Council considers the adoption of a resolution of intention which:

1. Declares its intention to vacate the subject portion of Ninth Street;
2. Sets a public hearing for August 8, 2006 at 1:30 p.m.;
3. Directs the City Clerk to file the vacation map and advertise said public hearing; and
4. Directs the Director of Public Works to post the site with a Notice of Vacation.

August 8, 2006 at 1:30 p.m.:

1. Council conducts a public hearing to consider adoption of a resolution vacating the subject portion of Ninth Street with the reservation of a PSE; and
2. Council considers approval of an agreement authorizing the sale of the subject property to the adjacent property owner.

### **ALTERNATIVES**

Not applicable.

### **PUBLIC OUTREACH**

The public was afforded the opportunity to comment on proposed development and associated street vacation during the planning process. Additionally, on April 26, 2006, the Planning Commission held a public hearing on the subject vacation and forwarded a recommendation to the City Council for approval of the vacation.

**COORDINATION**

The vacation has been coordinated with the Departments of Planning, Building and Code Enforcement, Transportation and the City Manager's Budget Office. The vacation and required resolution have been reviewed by the City Attorney's Office. All appropriate public utility companies have consented to the proposed vacation with the condition that the City reserve a public service easement over the area proposed for vacation and the Planning Commission has recommended approval of vacation. Additionally, the proposed sale of the property has been coordinated with the Department of General Services.

**COST IMPLICATIONS**

The Public Works Department collected cost-recovery fees to process this street vacation. Additionally, in coordination with the Department of General Services, the City will receive compensation for the granting of City fee owned property to the adjacent property owner.

**CEQA**

CEQA: Mitigated Negative Declaration, PDC05-029.



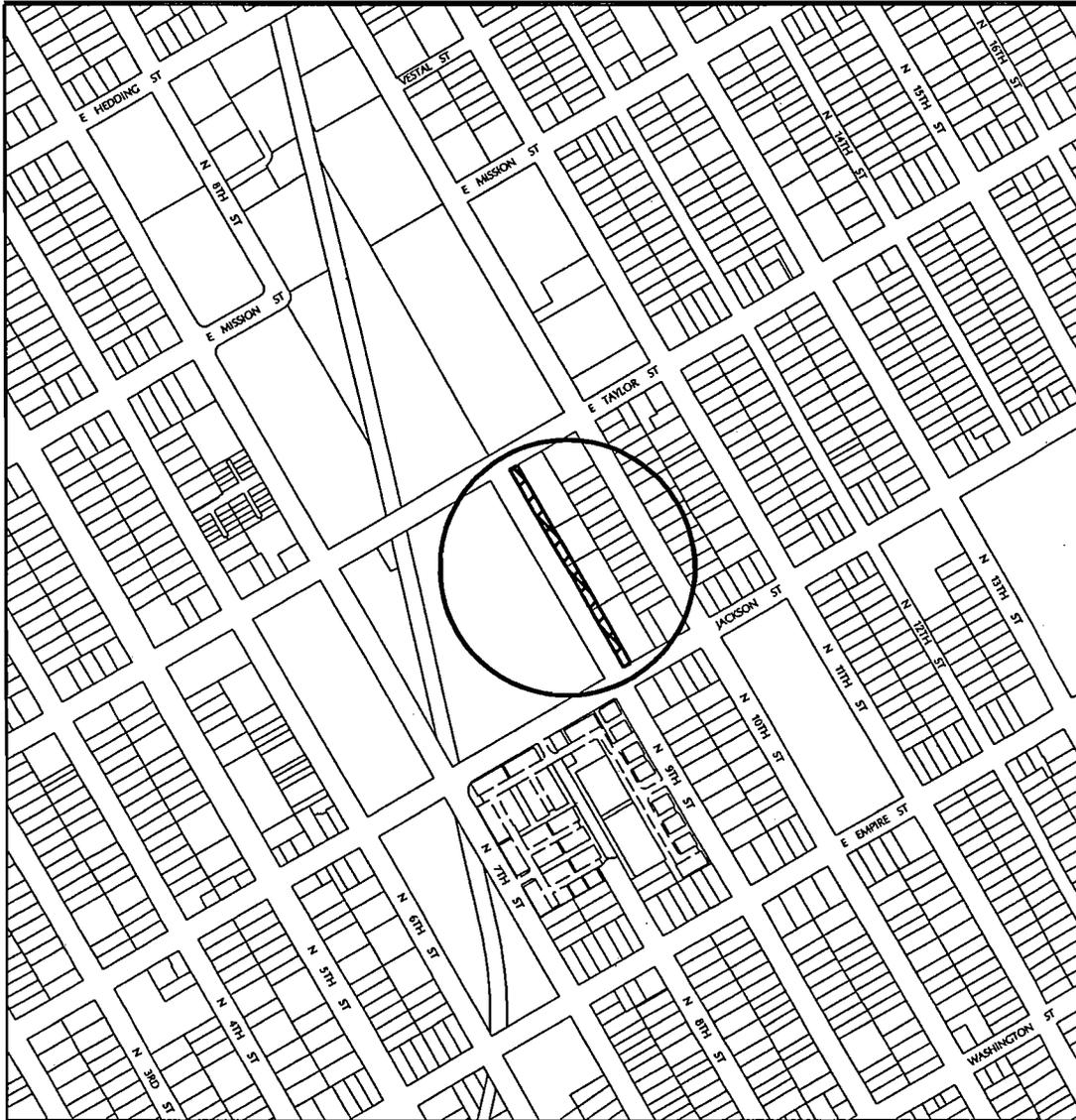
KATY ALLEN  
Director, Public Works Department

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

PD:RD:dcs  
Attachment

# LOCATION MAP

SHOWING THE VACATION OF A PORTION OF N 9TH STREET  
BETWEEN E TAYLOR STREET AND JACKSON STREET



AREA TO BE VACATED AND RESERVED AS  
A PUBLIC SERVICE EASEMENT

