



COUNCIL AGENDA: 06-27-06

ITEM: 2,36

# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Katy Allen

**SUBJECT: PUBLIC SERVICE EASEMENT  
AND COVENANT OF EASEMENT  
VACATION ON BASSETT STREET**

**DATE:** 06-05-06

Approved

*Deanna Andra*

Date

*6/9/06*

**COUNCIL DISTRICT: 3**

## **RECOMMENDATION**

Adoption of a resolution of intention to vacate portions of a Public Service Easement and Covenant of Easement for ingress, egress, emergency access and incidental purposes within Lot 1 of Tract 9665 at the northwest corner of Bassett and North First Streets and setting a public hearing on August 8, 2006 at 1:30 p.m.

CEQA: Downtown Strategy Plan SEIR (Resolution No. 68839).

## **OUTCOME**

Council adopts a resolution of intention to vacate the portions of Public Service Easement and Covenant of Easement at the northwest corner of Bassett and North First Streets, and sets a public hearing for August 8, 2006 at 1:30pm for consideration of adoption of a proposed resolution vacating portions of a Public Service Easement and Covenant of Easement at the northwest corner of Bassett and North First Streets.

## **BACKGROUND**

BKF Engineers for North Keystone, LLC has submitted an application to vacate portions of a Public Service Easement (PSE) and Covenant of Easement (COE) on Lot 1 of Tract 9665 at the northwest corner of Bassett Street and North First Street (map attached). The COE, as defined in the title report issued by First American Title, falls under the definition of a PSE under State law. Therefore, this COE will be vacated using the PSE vacation process in State law. Vacation of the PSE and COE will facilitate the proposed development of the site.

## **ANALYSIS**

Staff has determined that these portions of the PSE and COE are not needed for public purposes.

A title report issued by First American Title, dated April 20, 2006 indicates that North Keystone Limited Partnership, a California Limited Partnership, holds fee title to the portions of the lot where the PSE and COE are proposed for vacation. Upon vacation of the PSE and COE, these encumbrances will be removed from the subject portions of Lot 1 of Tract 9665 and no further action by staff would be required.

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

June 27, 2006 at 1:30 p.m.: Council considers the adoption of a resolution of intention which:

1. Declares its intention to vacate the subject portions of PSE and COE within Lot 1 of Tract 9665 at the northwest corner of Bassett and North First Streets;
2. Sets a public hearing 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 Public Hearing.

August 8, 2006 at 1:30 p.m.: Council conducts a public hearing and considers a resolution of vacation, which vacates the subject portions of the PSE and COE.

## **ALTERNATIVES**

Not applicable.

## **PUBLIC OUTREACH**

All concerned utility companies have been contacted in writing and have no objection to this vacation.

## **COORDINATION**

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

HONORABLE MAYOR AND CITY COUNCIL

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**COST IMPLICATIONS**

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

**CEQA**

CEQA: Downtown Strategy Plan SEIR (Resolution No. 68839).



KATY ALLEN

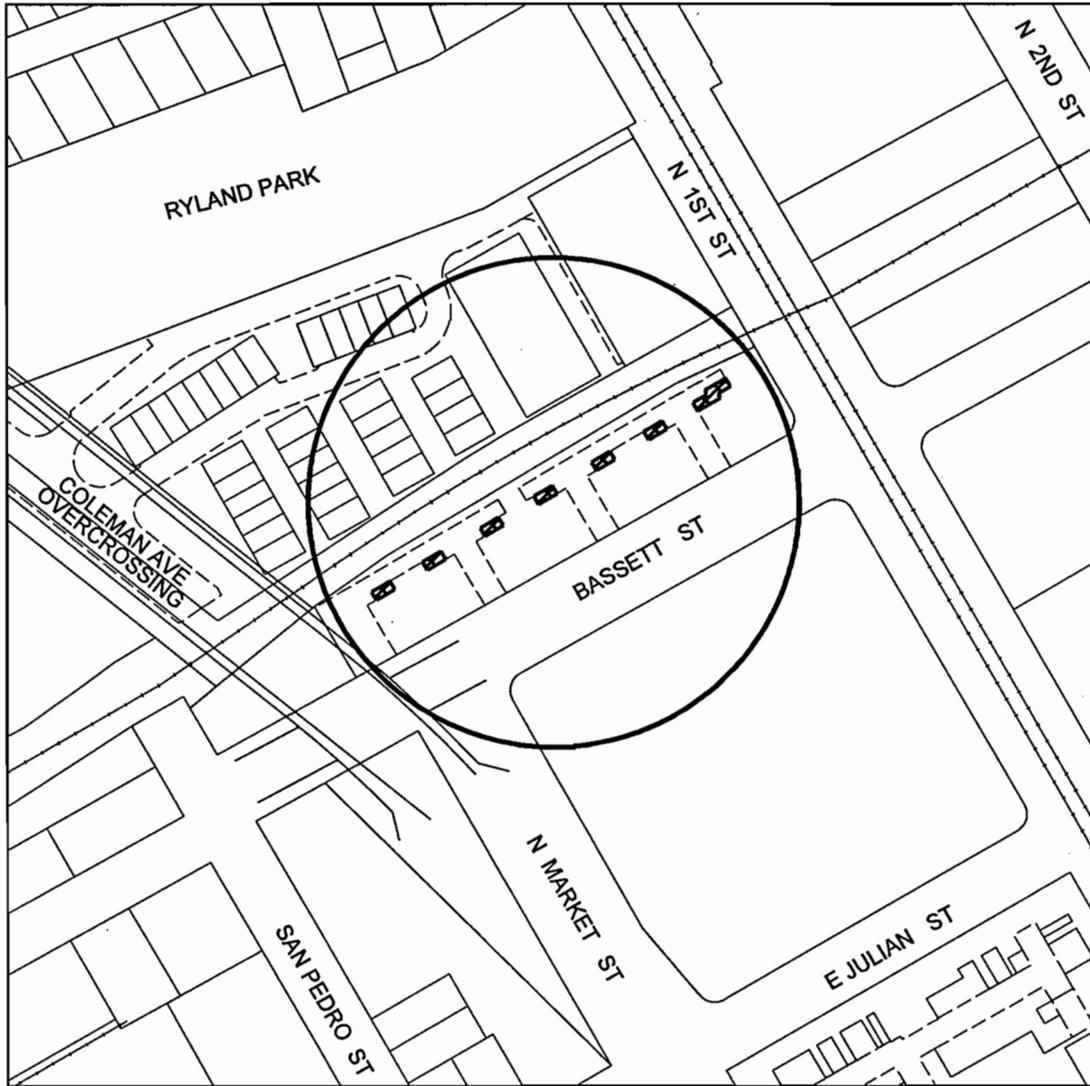
Director, Public Works Department

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

PD:AM:atl  
(052206CMVacBassett)  
Attachment

# LOCATION MAP

SHOWING THE VACATION OF PORTIONS OF THE PUBLIC SERVICE EASEMENT AND COVENANT OF EASEMENT  
AT THE NORTHWEST CORNER OF BASSETT STREET AND NORTH 1ST STREET



AREA TO BE VACATED

