



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Katy Allen

SUBJECT: SEE BELOW

DATE: 07-19-06

Approved

Date

7/20/06

COUNCIL DISTRICT: 6

SUBJECT: VACATION OF MCKINLEY AVENUE BETWEEN ST. ELIZABETH DRIVE AND MERIDIAN AVENUE

RECOMMENDATION

Adoption of a resolution of intention to conditionally vacate McKinley Avenue between St. Elizabeth Drive and Meridian Avenue with reservation of a public service easement, emergency access easement, and sanitary sewer easement over a portion of the vacated area, and setting a public hearing on August 29, 2006 at 1:30 P.M.

CEQA: Mitigated Negative Declaration, PDC05-046/C05-102

OUTCOME

Adoption of this resolution will declare Council's intention to conditionally vacate the subject portion of McKinley Avenue with reservation of a public service easement, emergency access easement, and sanitary sewer easements over a portion of the vacated area, and set a public hearing for consideration of adoption of a resolution vacating the property. On August 29, 2006, at the public hearing on the vacation, Council will be asked to adopt two resolutions, as follows: (1) vacating the subject portion of McKinley Avenue, and (2) approving of a proposed agreement authorizing the sale of a portion of the area to be vacated to the adjacent property owner.

BACKGROUND

Pinn Brothers Fine Homes has submitted an application for the vacation of McKinley Avenue between St. Elizabeth Drive and Meridian Avenue (map attached). This vacation is required to fulfill development conditions of Planned Development Zoning PDC 05-046, which proposes construction of 46 single family attached residences on 2.2 acres at the southeast corner of Curci and St. Elizabeth Drives. The McKinley Avenue right of way to be vacated will become a future private drive accessing the proposed development, a small portion of the vacated area will become the future development site, and another small portion will be dedicated for use as part of a new public park.

The title report indicates that the Sisters of the Holy Family is the underlying fee owner for 0.214 acres, the City is the underlying fee owner for 0.118 acres, and the Pinn Brothers Fine Homes is the underlying fee owner for 0.026 acres of the remaining area to be vacated.

ANALYSIS

Staff has determined that this portion of McKinley Avenue between St. Elizabeth Drive and Meridian Avenue is no longer needed as a public street. Currently, McKinley Avenue does not function as a through street and will not be needed in the future as thoroughfare from St. Elizabeth Drive to Meridian Avenue.

A sanitary sewer easement will be reserved for the existing public sanitary sewer main which traverses the proposed area for vacation. The existing storm sewer main will be relocated and converted to a private storm sewer main and be privately maintained.

All concerned utility companies have consented to the vacation with the reservation of a public service easement over the future private street area and provided that the existing facilities not covered within the proposed public service easement are removed, abandoned or relocated when no longer needed. This street vacation is therefore conditioned upon abandonment, removal or relocation of existing utilities not covered within the proposed public service easement prior to recordation of the street vacation.

Additionally, an emergency access easement will be reserved to facilitate emergency access to the Pinn Brothers project site.

At the same time that Council will consider adoption of a resolution vacating the portion of McKinley Avenue on August 29, 2006, Council will also be asked to approve a resolution authorizing the Director of Public Works to execute an agreement and all related documents for the sale of a portion of the property to the applicant for just compensation, which may include an exchange of property with the applicant that will result in the addition of property to the adjacent future park site.

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

August 8, 2006 at 1:30 p.m.: Council considers the adoption of a resolution of intention which:

1. Declares its intention to conditionally vacate the subject portion of McKinley Avenue;
2. Sets a public hearing August 29, 2006 at 1:30 PM;
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 29, 2006 at 1:30 p.m.:

1. Council conducts a public hearing to consider adoption of a resolution vacating the subject portion of McKinley Avenue with reservation of a public service easement, emergency access easement, and sanitary sewer easements over a portion of the vacated area.
2. Council considers adoption of a resolution authorizing the Public Works Director to execute an agreement and all related documents for the sale of a portion of the subject vacated street to the applicant for just compensation, which may include an exchange of property with the applicant that will result in the addition of property to the adjacent future park site.

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 proposed development and associated street vacation during the planning process. 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. All concerned utility companies have been contacted in writing and have no objection to this vacation on the condition that a public service easement is reserved over the future private street area and that the existing facilities not covered within the proposed PSE are removed, abandoned or relocated when no longer needed.

COORDINATION

The vacation has been coordinated with the Departments of Planning, Building and Code Enforcement, Transportation, General Services, Parks, Recreation and Neighborhood Services, and the City Manager's Budget Office. Additionally, 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 on the condition that a public service easement is reserved over the future private street area and that the existing facilities not covered within the proposed PSE are removed, abandoned or relocated when no longer needed. Additionally, on April 29, 2006 the Planning Commission recommended approval of the proposed vacation.

FISCAL/POLICY ALIGNMENT

This project is in alignment with the Mayor's Budget Strategy Expenditure Control Principle No. 4 in that it eliminates City maintenance obligations and liability.

COST SUMMARY/ 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 adjoining property owner.

CEQA

Mitigated Negative Declaration, PDC05-046/C05-102.



KATY ALLEN
Director, Public Works Department

For questions please contact Timm Borden, Deputy Director, at 408-535-8300.

LOCATION MAP

SHOWING THE VACATION OF A PORTION OF MCKINLEY AVENUE
BETWEEN ST ELIZABETH DRIVE AND MERIDIAN AVENUE



 AREA TO BE VACATED

EXHIBIT A

