



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Katy Allen

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

**DATE:** 07-19-06

Approved

*Deanna Farkna*

Date

*7/20/06*

**COUNCIL DISTRICT: 3**

## **RECOMMENDATION**

Conduct a public hearing and adopt a resolution 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.  
CEQA: Downtown Strategy Plan SEIR (Resolution No. 68839).

## **OUTCOME**

Adoption of this resolution will permit the vacation of portions of a Public Service Easement and Covenant of Easement at the northwest corner of Bassett and North First Streets.

## **BACKGROUND**

BKF Engineers, the civil engineering consultant, has submitted an application for the vacation of 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.

On June 27, 2006, Council adopted a resolution, which declared its intention to vacate portions of a PSE and COE within Lot 1 of Tract 9665 at the northwest corner of Bassett and North First Streets. The resolution approved a map showing the subject PSE and COE to be vacated, set the public hearing for August 8, 2006, at 1:30 PM and directed the Director of Public Works to post the site with a Notice of Vacation.

## **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 to be vacated. All concerned utility companies have been contacted in writing and have no objections to the proposed vacation.

Following adoption of the resolution to vacate 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.

## **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, as directed at the June 27, 2006 Council hearing, staff has posted the site with a Notice of Vacation and the City Clerk has advertised this public hearing.

## **COORDINATION**

The vacation has been coordinated with the Departments of Planning, Building and Code Enforcement, Transportation, 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.

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**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**

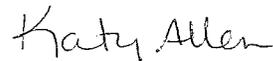
The Public Works Department collected cost-recovery fees to process this easement vacation.

**BUDGET REFERENCE**

Not applicable.

**CEQA**

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



KATY ALLEN

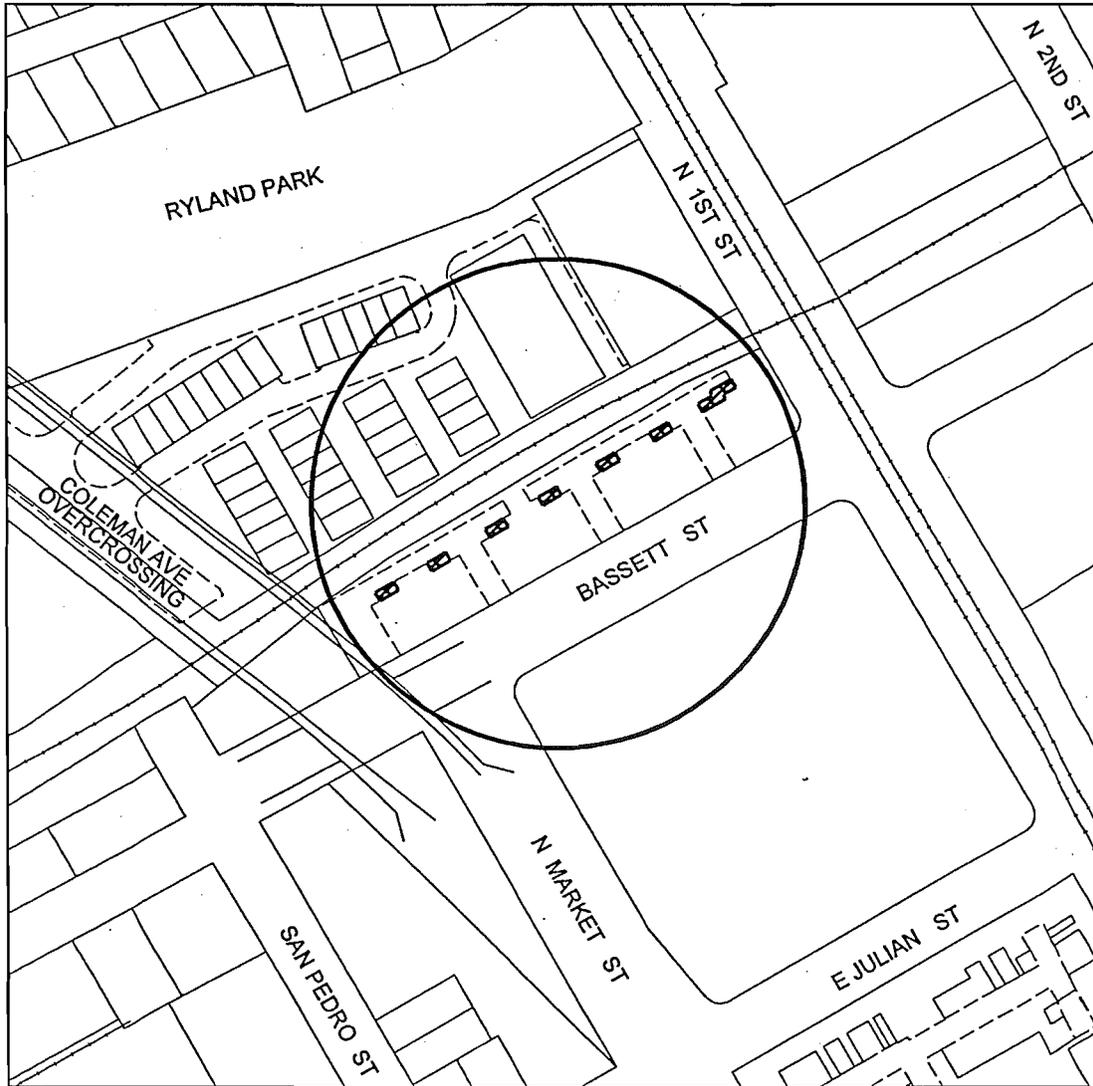
Director, Public Works Department

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

PD:AM:dcs  
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

