



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Katy Allen

SUBJECT: VACATION OF A PORTION
OF NINTH STREET

DATE: 07-19-06

Approved

Deanna Jarcha

Date

7/20/06

COUNCIL DISTRICT: 3
SNI AREA: 13th Street

RECOMMENDATION

Conduct a public hearing and adopt a resolution to vacate the easterly portion of Ninth Street between Taylor and Jackson Streets with reservation of a 6-foot strip public service easement. CEQA: Mitigated Negative Declaration, PDC05-059.

OUTCOME

Adoption of this resolution will permit the vacation of an easterly portion of Ninth Street between Taylor and Jackson Streets with reservation of a public service easement over a portion of the area to be vacated.

BACKGROUND

Charles W. Davidson Company, the civil engineering consultant, has submitted an application on behalf of Standard Pacific Corporation, the "Developer," for the vacation of an easterly portion of Ninth Street between Taylor and Jackson Streets (see attached map). 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 to be incorporated into the proposed site plan for the residential project.

On June 20, 2006, Council adopted a resolution, which declared its intention to vacate an easterly portion of Ninth Street between Taylor and Jackson Streets. The resolution approved a map showing the subject right-of-way 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 this portion of Ninth Street is no longer needed as a public street. All concerned utility companies have consented to the street vacation with the condition that the City

reserves a 6-foot strip as a public service easement (PSE) over a portion of the area to be vacated.

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. Once the Developer has acquired all of the adjoining properties, Council will be asked to approve an agreement authorizing the sale of the property to the adjoining owner for just compensation at a future Council meeting.

No new information regarding this vacation has been received since the June 20, 2006 Council meeting.

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. Additionally, as directed at the June 20, 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 with the condition that the City reserves a 6-foot strip as a PSE over a portion of the area to be vacated and the Planning

Commission has recommended approval of the vacation. The proposed sale of this property has been coordinated with all City Departments.

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. .

CEQA

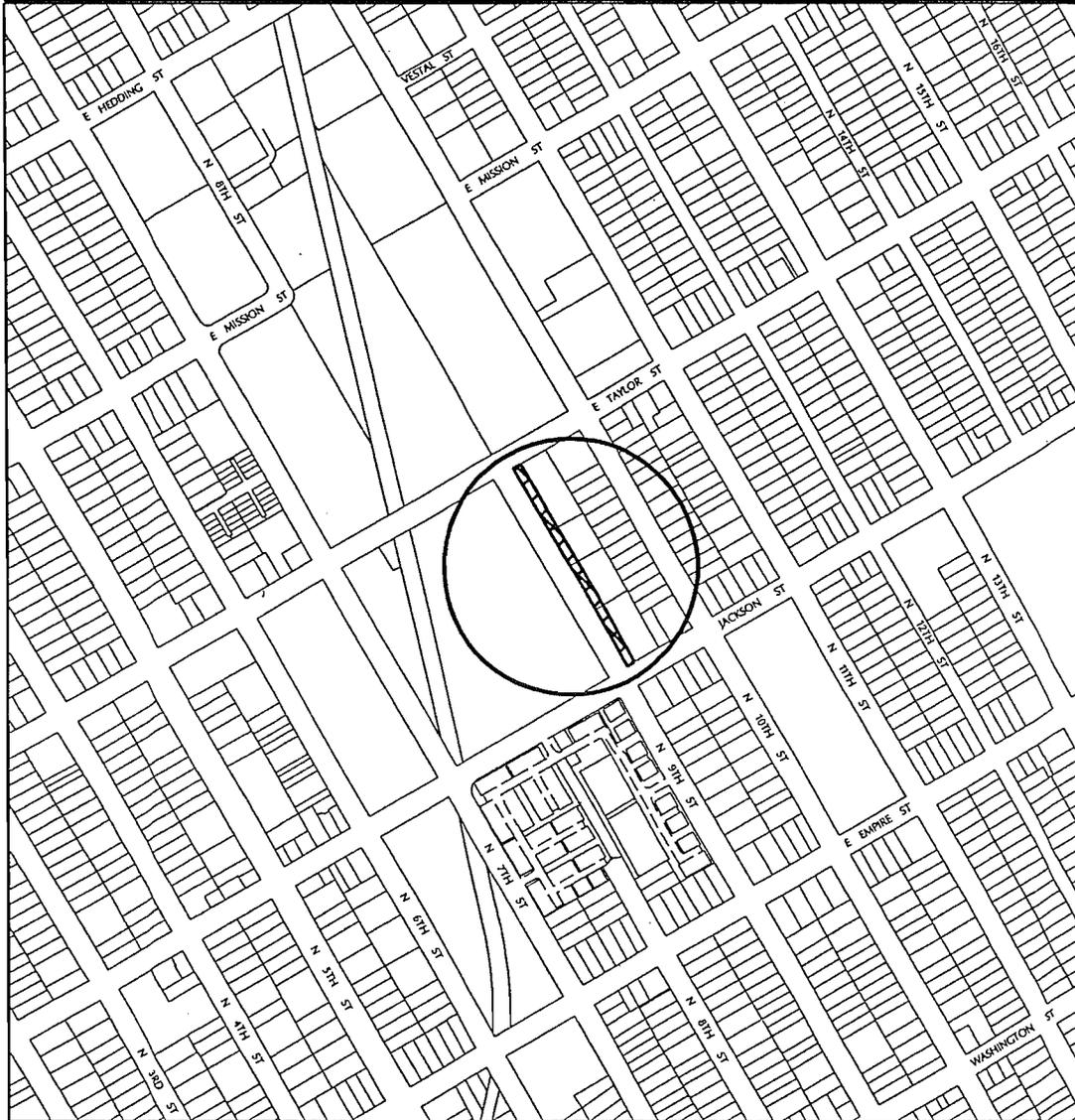
CEQA: Mitigated Negative Declaration, PDC05-059.


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 N 9TH STREET
BETWEEN E TAYLOR STREET AND JACKSON STREET



AREA TO BE VACATED AND RESERVED AS
A PUBLIC SERVICE EASEMENT



