



COUNCIL AGENDA: 08-14-07
ITEM: 2.15

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Katy Allen

SUBJECT: SEE BELOW

DATE: 07-23-07

Approved

Date

7/28/07

COUNCIL DISTRICT: 9

SUBJECT: VACATION OF A PUBLIC SERVICE EASEMENT AND SIDEWALK EASEMENT ON SAMARITAN DRIVE AND CLYDELLE AVENUE

RECOMMENDATION

Adoption of a resolution of intention to vacate a portion of Public Service Easement behind the right of way line of Tract 7502 along Samaritan Drive and Clydelle Avenue and a portion of Sidewalk Easement behind the right of way line of Tract 7502 along Samaritan Drive and setting a public hearing on September 11, 2007 at 1:30 p.m.

OUTCOME

Adoption of this resolution will declare Council's intention to vacate a portion of a Public Service Easement along Samaritan Drive and Clydelle Avenue and a portion of Sidewalk Easement along Samaritan Drive, and set a public hearing for consideration of adoption of a resolution vacating a portion of a Public Service Easement along Samaritan Drive and Clydelle Avenue and a portion of Sidewalk Easement along Samaritan Drive.

BACKGROUND

HMH Engineers, on behalf of SummerHill Parkwood, LLC, the owner and developer of the adjacent property (Tract 7502), has submitted an application to vacate a portion of a Public Service Easement (PSE) behind the right of way line of Tract 7502 along Samaritan Drive and Clydelle Avenue and a portion of Sidewalk Easement (SE) behind the right away line of Tract 7502 along Samaritan Drive (map attached). Vacation of the PSE and SE will facilitate the proposed development of the site.

ANALYSIS

Staff has determined that this portion of the PSE and SE are not needed for public purposes.

According to the title report issued by First American Title, dated March 15, 2007, SummerHill Parkwood, a California Limited Liability Company, is the underlying fee owner to the portion of the lot where the PSE and SE are proposed for vacation.

All concerned utility companies have been contacted in writing and have no objection to this vacation. In addition, staff has determined that the remaining sidewalk easement width is sufficient to facilitate pedestrian traffic flow on Samaritan Drive. Upon vacation of the PSE and SE, these encumbrances will be removed from the subject portion of Tract 7502 and no further action by staff would be required.

The actions required for the vacation of the subject PSE and SE are:

August 14, 2007 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 the PSE within Tract 7502 along Samaritan Drive and Clydelle Avenue, and the subject portion of the SE along Samaritan Drive;
2. Sets a public hearing September 11, 2007 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.

September 11, 2007 at 1:30 p.m.: Council conducts a public hearing to consider adoption of a resolution vacating the subject portion of the PSE within Tract 7502 along Samaritan Drive and Clydelle Avenue, and the subject portion of the SE along Samaritan Drive;

EVALUATION AND FOLLOW-UP

This project addresses Public Works performance measures to maintain a 100 % cost-recovery program by charging service fees to pay for the staff time involved in this street vacation process.

If Council adopts this resolution of intention to vacate the subject portion of the PSE within Tract 7502 along Samaritan Drive and Clydelle Avenue, and the subject portion of the SE along Samaritan Drive, a public hearing will be scheduled for September 11, 2007 at 1:30 P.M. for Council to consider whether is it appropriate to vacate the subject PSE and SE.

POLICY ALTERNATIVES

Not applicable.

PUBLIC OUTREACH/INTEREST

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criterion 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)**
- Criterion 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 July 18, 2007, 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. In addition, this memorandum will be posted on the City's website for the August 14, 2007 Council agenda.

COORDINATION

The vacation has been coordinated with the Department of Planning, Building, and Code Enforcement and City Manager's Budget Office. Additionally, the vacation and required resolution and memorandum have been reviewed by the City Attorney's Office. All appropriate public utility companies have consented to the proposed vacation. Additionally, on July 18, 2007 the Planning Commission recommended approval of the proposed vacation.

FISCAL/POLICY ALIGNMENT

Vacating this PSE and SE are in alignment with the Mayor's June 2007 Budget Message in that this action will eliminate a City maintenance obligation and liability thereby reducing a potential maintenance need in the public right-of-way.

COST SUMMARY/ IMPLICATIONS

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

THE HONORABLE MAYOR AND CITY COUNCIL

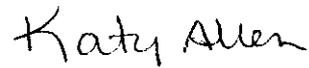
07-23-07

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CEQA

CEQA: Mitigated Negative Declaration for PDC05-036.



KATY ALLEN

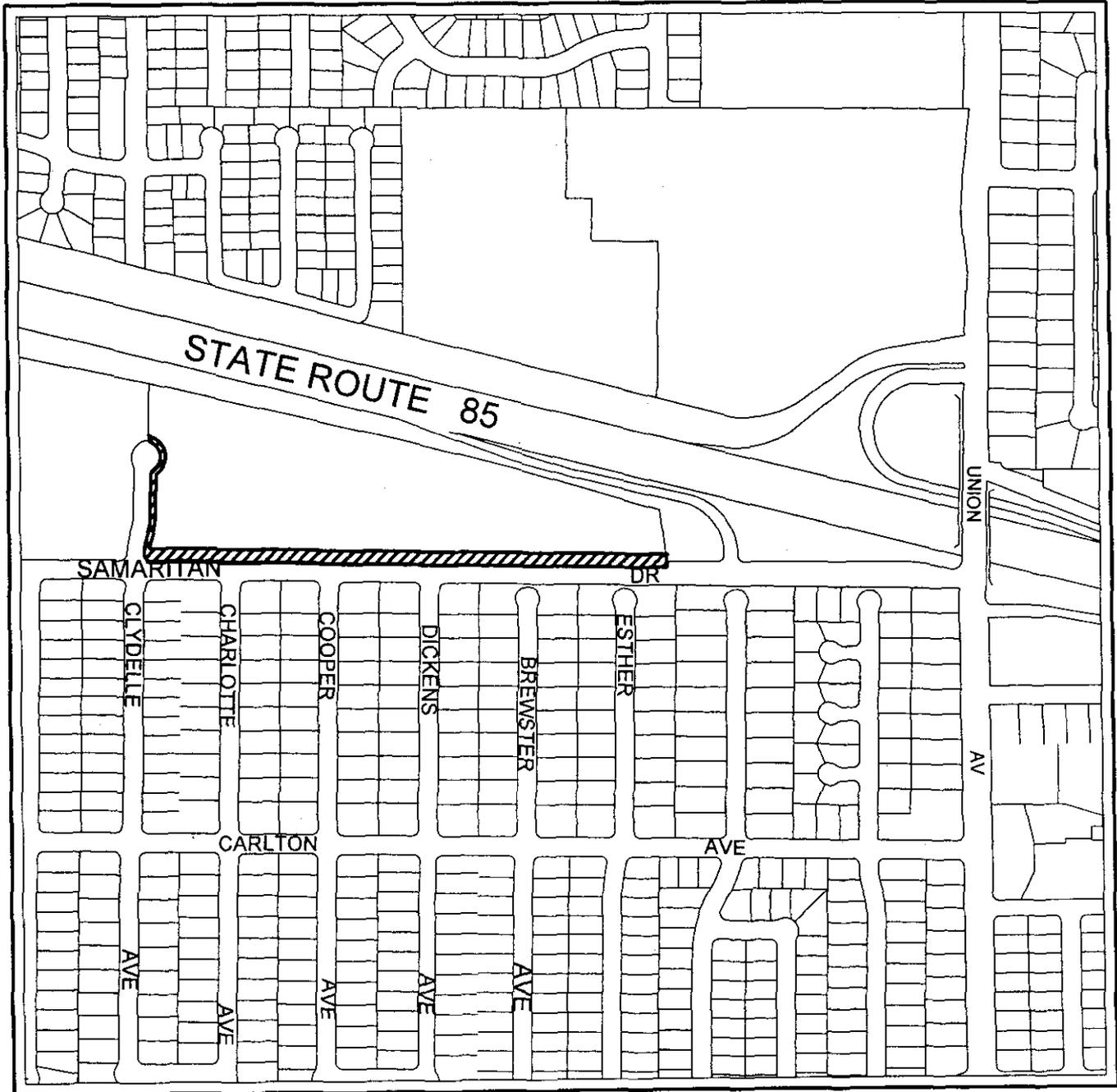
Director, Public Works Department

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

PD:AM:tw
(081407CMVacSamaritan)
Attachment

LOCATION MAP

SHOWING THE PORTION OF A PUBLIC SERVICE EASEMENT AND A SIDEWALK EASEMENT
TO BE VACATED AT SAMARITAN DRIVE AND CLYDELLE AVENUE



AREA TO BE VACATED

