



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Katy Allen

SUBJECT: SEE BELOW

DATE: 08-20-07

Approved

Deanna Anton

Date

8/21/07

COUNCIL DISTRICT: 9

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

RECOMMENDATION

Conduct a public hearing and adopt a resolution to vacate portions of a Public Service Easement behind the right of way line of Tract 7502 along Samaritan Drive and Clydelle Avenue at 2039 Samaritan Drive and a portion of Sidewalk Easement behind the right of way line of Tract 7502 along Samaritan Drive.

OUTCOME

Council adopts a resolution vacating portions of a Public Service Easement along Samaritan Drive and Clydelle Avenue and a portion of Sidewalk Easement along Samaritan Drive.

BACKGROUND

HMH Engineers for 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 of way line of Tract 7502 along Samaritan Drive (map attached). Vacation of the PSE and SE will facilitate the proposed development of the site.

On August 14, 2007, Council adopted a resolution, which declared it's the Council's intention to vacate portions of a PSE behind the right of way line Tract 7502 along Samaritan Drive and Clydelle Avenue and a portion of SE behind the right of way line of Tract 7502 along Samaritan Drive. The resolution approved a map showing the subject PSE and SE to be vacated, set the public hearing for September 11, 2007, 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 SE are not needed for public purposes. According to the title report issued by First American Title Company, dated March 15, 2007, SummerHill Parkwood LLC, a California limited liability company holds fee title to the portions of the lot where the PSE and SE are to be vacated. All concerned utility companies have been contacted in writing and have no objections to the proposed vacation.

No new information regarding this vacation has been received since the August 14, 2007 Council meeting.

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.

Upon recordation of this vacation, these encumbrances will be removed from the subject portions of Lot 1 of Tract 7502 and no further action by staff would be required.

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, as directed at the August 14, 2007 Council hearing, staff has posted the site with a Notice of Vacation and the City Clerk has advertised this public hearing. On July 18, 2007, the Planning Commission held a public hearing on the subject vacation and forwarded a recommendation to the Council for approval of the vacation. All concerned utility companies have been contacted in writing and have no objection to this vacation. Additionally, as directed at the August 14, 2007 Council hearing, staff has

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posted the site with a Notice of Vacation and the City Clerk has advertised this public hearing. In addition, this memorandum will be posted on the City's website for the September 11, 2007 Council Agenda.

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. 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

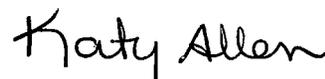
The Public Works Department collected cost-recovery fees to process this easement vacation.

BUDGET REFERENCE

Not applicable.

CEQA

CEQA: Mitigated Negative Declaration for PDC05-036.



KATY ALLEN

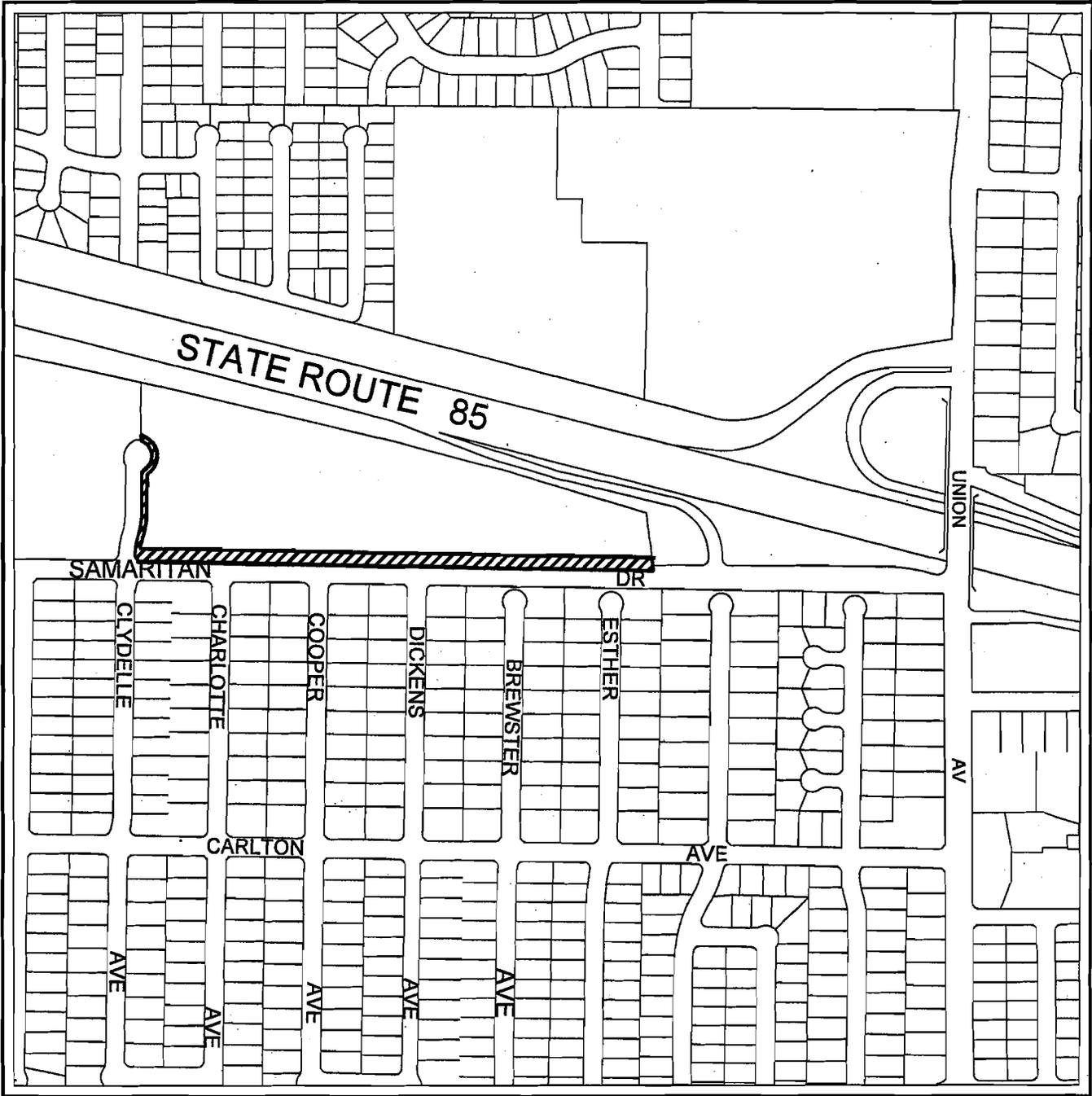
Director, Public Works Department

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

PD:AM:tw
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

