

REPLACEMENT

COUNCIL AGENDA: 10-26-04

ITEM: 2.4

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Katy Allen

SUBJECT: SEE BELOW

DATE: 10-21-04

Approved

Date

10-21-04

Council District: 6

**SUBJECT: VACATION OF HILLSDALE AVENUE, BETWEEN PEARL AVENUE
AND THE GUADALUPE RIVER**

REASON FOR REPLACEMENT

Due to the cancellation of the November 23, 2004 Council meeting, staff recommends setting the public hearing on November 30, 2004.

RECOMMENDATION

Adoption of a resolution of intention to vacate Hillsdale Avenue between Pearl Avenue and Guadalupe River; and setting a public hearing on November 30, 2004 at 1:30 p.m.
CEQA: Exempt.

BACKGROUND

An application for the vacation of a portion of Hillsdale Avenue has been submitted by Charles W. Davidson Company, on behalf of property owner Summerhill Homes. This vacation is necessary to facilitate the construction of 83 single-family attached units proposed under Planned Development Permit PD02-039.

ANALYSIS

With the realignment of Foxworthy Avenue and the removal of the Hillsdale Avenue Bridge, Hillsdale Avenue is no longer accessible from Old Almaden Road or Pearl Avenue. Upon vacation, a portion of the northerly eight feet will be incorporated into the Summerhill Ravenna residential development and the remaining portion will be incorporated into the adjacent car dealerships. Staff has determined that this portion of Hillsdale Avenue is not needed for public street purposes and can be vacated without adverse effects. The adjacent streets will provide

adequate capacity and circulation for vehicles and pedestrians. All concerned utility companies have been contacted and have no objections to the proposed vacation. However, there are public facilities that will require the reservation of a public service easement. Therefore, a public service easement will be reserved over a portion of the area. Also, an ingress and egress easement will be reserved over the southerly 30 feet for the benefit of the Santa Clara Valley Water District.

According to the title report submitted, fee title is currently held by the various adjacent property owners. Upon vacation and recordation, the right-of-way will revert to the respective adjacent property owners.

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

October 26, 2004 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 Hillsdale Avenue between Pearl Avenue and Guadalupe River;
2. Sets a public hearing November 30, 2004 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.

November 30, 2004 at 1:30 p.m.: Council conducts a public hearing and considers a resolution of vacation, which vacates the subject portion of Hillsdale Avenue between Pearl Avenue and Guadalupe River.

PUBLIC OUTREACH

All concerned utility companies have been contacted in writing and have no objection to this vacation on the condition that a public service easement be reserved.

COORDINATION

The resolution and memorandum have been coordinated with the Planning, Building and Code Enforcement Department, City Manager's Budget Office and the City Attorney's Office.

HONORABLE MAYOR AND CITY COUNCIL

10-21-04

Subject: Vacation of Hillsdale Avenue

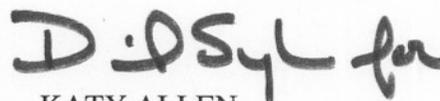
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COST IMPLICATIONS

Vacating the public right-of-way is in alignment with the Council-approved Budget Strategy Expenditure Control section by eliminating a City maintenance obligation and liability in the public right-of-way.

CEQA

Exempt.

Handwritten signature in black ink, appearing to read "D. O'Syl for".

KATY ALLEN

Director, Public Works Department

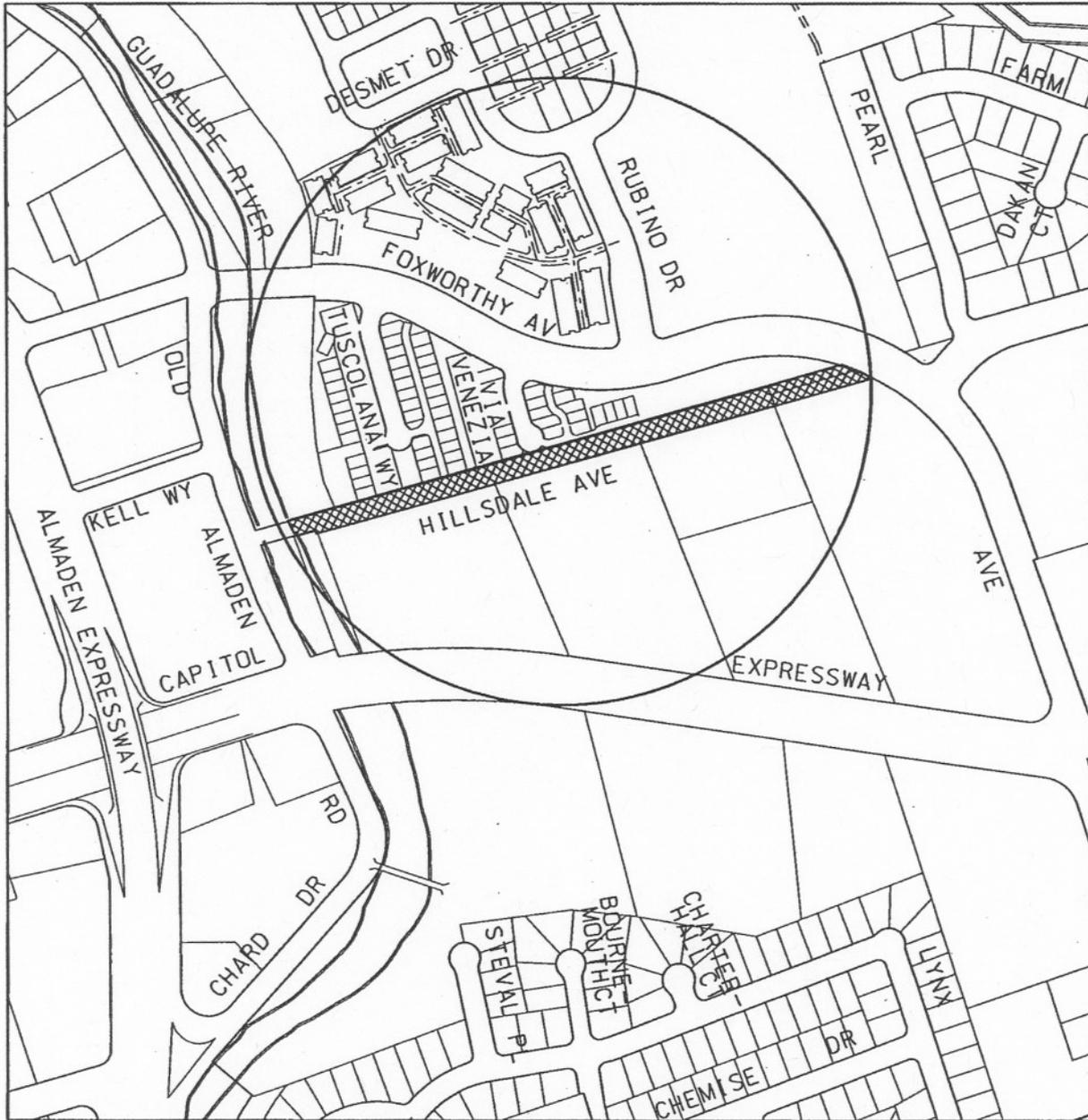
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Attachment

LOCATION MAP

SHOWING THE VACATION OF A PORTION OF
HILLSDALE AVENUE BETWEEN PEARL AVENUE AND THE GUADALUPE RIVER



AREA TO BE VACATED

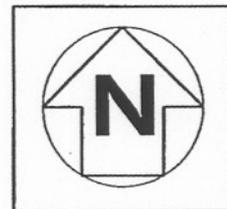


EXHIBIT A