



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Katy Allen

SUBJECT: SANITARY SEWER EASEMENT
VACATION NEAR MCGINNESS
AVENUE

DATE: 10-25-06

Approved

Date

COUNCIL DISTRICT: 5
SNI AREA: East Valley/680

RECOMMENDATION

Adoption of a resolution of intention to vacate a public sanitary sewer easement lying immediately east of McGinness Avenue approximately 600 feet north of Story Road and setting a public hearing on December 12, 2006 at 1:30 p.m.

OUTCOME

Council adopts a resolution of intention to vacate a public sanitary sewer easement lying immediately east of McGinness Avenue approximately 600 feet north of Story Road and sets a public hearing for December 12, 2006 at 1:30 p.m. for consideration of adoption of a proposed resolution vacating the subject easement.

BACKGROUND

Home Depot USA, Inc. submitted an application to vacate a public sanitary sewer easement lying immediately east of McGinness Avenue approximately 600 feet north of Story Road and in the rear area of a future commercial building (map attached). The sanitary sewer easement vacation is a condition of approval for replacement of an existing building with a new 114,700 square feet retail commercial building with a garden center (Home Depot) on a 12.85 gross acre site per Conditional Use Permit, CP05-034.

ANALYSIS

Staff has determined that this public sanitary sewer easement is not needed for public purposes. The existing sanitary sewer pipe in the easement only serves this private site and can be vacated to private use and maintenance. All concerned stakeholders have consented to this vacation. The actions required for the vacation of the subject easement are:

November 14, 2006 at 1:30 p.m.: Council considers the adoption of a resolution of intention which:

1. Declares its intention to vacate the subject public sanitary sewer easement;
2. Sets a public hearing for December 12, 2006 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.

December 12, 2006 at 1:30 p.m.: Council conducts a public hearing to consider adoption of a resolution vacating the subject public sanitary sewer easement.

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 the proposed development and associated easement vacation during the planning process. Additionally, on October 25, 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.

COORDINATION

The vacation has been coordinated with the Departments of Planning, Building, and Code Enforcement and Transportation and the City Manager's Budget Office. The vacation and required resolution have been reviewed by the City Attorney's Office. Consent from the public utility companies is not required since the subject easement is only for City facilities. Additionally, the Planning Commission has recommended approval of the vacation.

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COST SUMMARY/IMPLICATIONS

The Public Works Department collected cost-recovery fees to process this easement vacation. Additionally, the City will experience reduced costs in public maintenance by the transferal of this portion of the public sewer system to private maintenance.

CEQA

CEQA: Mitigated Negative Declaration, CP05-034.

A handwritten signature in black ink, appearing to read "D. D. S. L. A.", is positioned above the printed name and title.

KATY ALLEN

Director, Public Works Department

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

PD:RD:des
(rd101806McGuinness1stCC)
Attachment

LOCATION MAP

SHOWING THE PUBLIC SANITARY SEWER EASEMENT TO BE VACATED



AREA TO BE VACATED

