

COUNCIL AGENDA: 12-06-05

ITEM: 2.7

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Katy Allen

**SUBJECT: SUMMARY VACATION OF A
SIDEWALK EASEMENT
ON KEYES STREET**

DATE: 11-14-05

Approved

Date

11/18/05

Council District: 3

RECOMMENDATION

Adoption of a resolution summarily vacating the sidewalk easement lying on the northerly side of Keyes Street immediately east of Fifth Street.

CEQA: Mitigated Negative Declaration, PDC03-029.

BACKGROUND

On November 1, 2005, an application for the vacation of a sidewalk easement located along the north side of Keyes Street immediately east of Fifth Street (map attached) was submitted by San Jose Artist Housing, L.P. This vacation is necessary to facilitate the construction of 148 affordable multi-family attached residences and 2,500 square feet of retail space on a 1.99-acre site at the northeast corner of Keyes and Fifth Streets. During construction, the developer's surveyor erroneously laid out the building footprint within the easement area. All building foundations have been constructed based on this survey error. As of November 2005, the project was 30 percent complete.

ANALYSIS

The sidewalk easement was created with the recordation of a parcel map for the subject property on April 18, 2005. The purpose of the easement was to provide additional sidewalk width of 5 feet. The current sidewalk width is 10 feet. Through coordination with the Departments of Transportation and Planning, Building and Code Enforcement, staff believes the existing sidewalk width is adequate to facilitate pedestrian access and circulation on Keyes Street. Although additional sidewalk width is desirable, due to the unexpected circumstances and to help facilitate the development project, staff supports the applicant's request. Additionally, in accordance with Section 8333 of the Streets and Highways Code, staff has determined that the easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years.

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The easement is only for sidewalk purposes. There are no public utilities located within the sidewalk easement. Therefore, the vacation will have no effect on easement rights of utility companies. Upon vacation and recordation, the property will become unencumbered by the easement, and no further action by staff or Council would be required.

OUTCOME

The Council vacates the sidewalk easement along the north side of Keyes Street immediately east of Fifth Street.

PUBLIC OUTREACH

Since the easement is only for sidewalk purposes and there are no utilities within the easement area to be vacated, public outreach to the utility companies is not necessary.

COORDINATION

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

COST IMPLICATIONS

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

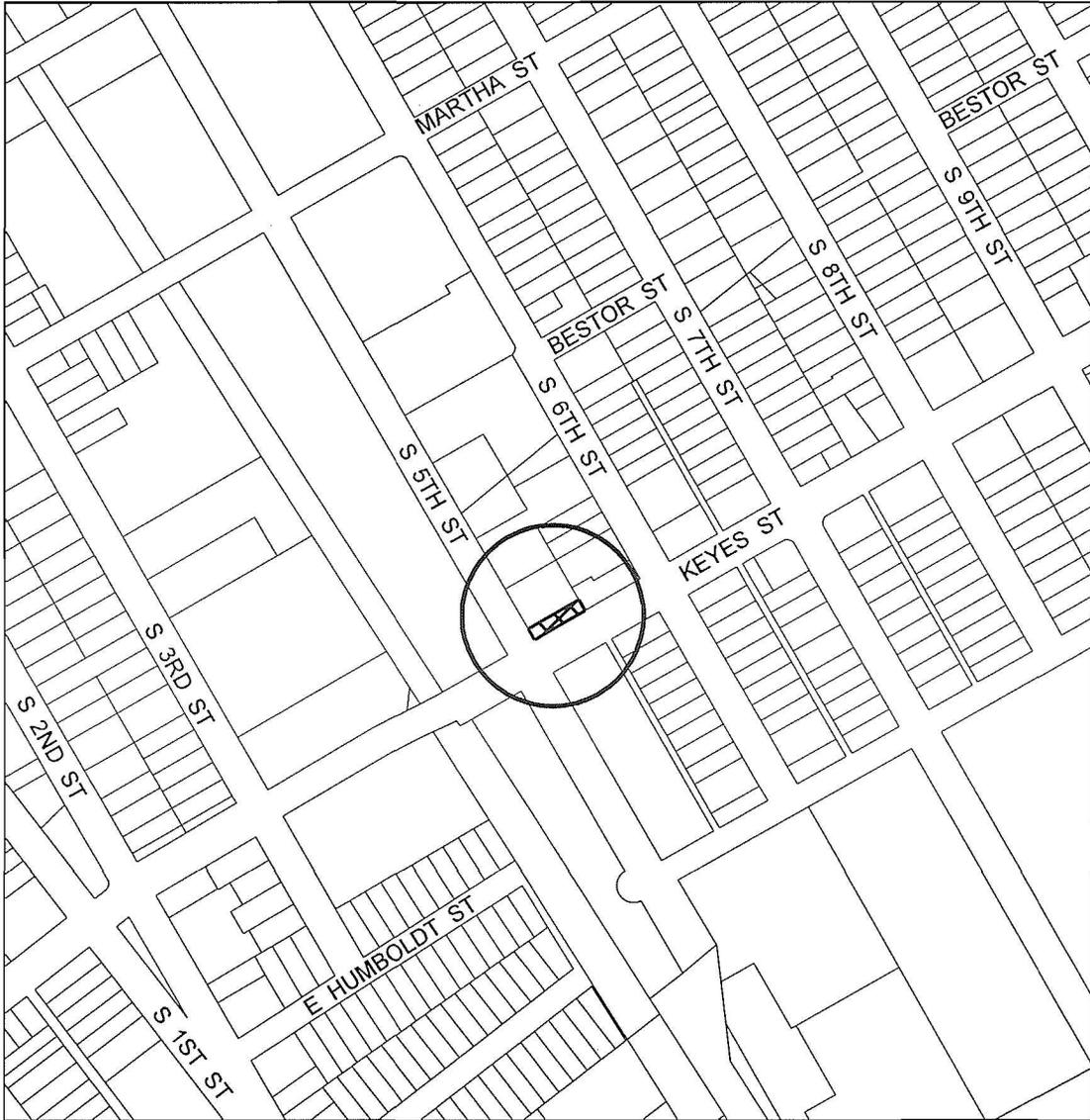
CEQA

Mitigated Negative Declaration, PDC03-029.


KATY ALLEN
Director, Public Works Department

LOCATION MAP

SHOWING THE VACATION OF THE SIDEWALK EASEMENT ON KEYES STREET



AREA TO BE VACATED



