

# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Katy Allen

**SUBJECT:** SEE BELOW

**DATE:** 06-02-08

Approved

Date

6/9/08

**COUNCIL DISTRICT:** 3

**SUBJECT: CORRECTING THE LEGAL DESCRIPTION OF THE EXPANDED PUBLIC RIGHT OF WAY ON TAYLOR STREET BETWEEN ANITA AND WALNUT STREETS**

## RECOMMENDATION

Approve an ordinance repealing Ordinance No. 27971 and establishing a corrected legal description for the public right of way on Taylor Street between Anita and Walnut Streets.

## OUTCOME

The recommended ordinance would repeal Ordinance No. 27971, which contains an inaccurate legal description of the expanded public right of way on Taylor Street between Anita and Walnut Streets, and would set forth the correct legal description of the public right of way.

## BACKGROUND

On January 30, 2007, Council adopted Ordinance No. 27971 establishing a new, expanded legal description of the public right of way on Taylor Street between Anita and Walnut Streets – an area that is between First Street and Coleman Avenue (map attached).

Before the adoption of Ordinance No. 27971, the record maps did not accurately describe the width of the public right of way of Taylor Street between Anita and Walnut Streets. The record maps described this portion of the public right of way as being 60 feet wide. However, the as-built roadway surface – not including the park strip and sidewalk – was actually seventy (70) feet wide.

In December, 2006, the City began constructing a project to widen this portion of Taylor Street to 106 feet. The project involved constructing raised median islands, lengthened left turn pockets, and bike lanes on both sides of Taylor. The project included expanding the right of way to 106 feet in order to accommodate the project improvements and to facilitate the

construction/relocation of franchised utilities into the public right of way. The project was completed in October 2007.

Ordinance No. 27971 was adopted as construction of the project started. It expanded the public right-of-way on Taylor Street within the project area by adding a 28-foot wide strip on the south side of Taylor Street and an 18-foot wide strip on the north side of Taylor Street.

During the construction of the project, City surveyors discovered inconsistencies between the actual monument locations and the Record of Survey map on file at the Santa Clara County Office of the Clerk – Recorder, which City staff used to determine the legal description of the additional public right-of-way required under Ordinance No. 27971. As a result of the inconsistencies between the actual monument locations and the Record of Survey map on file at the Santa Clara County, the existing legal description of the Taylor Street public right-of-way specified in Ordinance No. 27971 is not accurate.

### **ANALYSIS**

The proposed ordinance would repeal Ordinance No. 27971. It also would adopt the correct legal description of the expanded public right of way on Taylor Street between Anita and Walnut Streets. The ultimate expanded width of Taylor Street at this location would still be 106 feet. However, an accurate legal description of the expanded public right of way on Taylor Street between Anita and Walnut Streets requires adding a 13-foot wide strip on the south side of Taylor Street and a 33-foot wide strip on the north side of Taylor Street.

### **EVALUATION AND FOLLOW-UP**

No evaluation and follow-up 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

HONORABLE MAYOR AND CITY COUNCIL

06-02-08

**Subject: Correcting the Legal Description of the Expanded Public Right-of-Way on Taylor Street between Anita and Walnut Streets**

Page 3

a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

Approval of the recommended action does not meet any of the criteria identified by the Sunshine Reforms Work Plan. This memorandum will be posted to the City's website for the June 24, 2008 Council agenda.

### **COORDINATION**

This memo has been coordinated with the Departments of Transportation, Planning, Building and Code Enforcement, City Manager's Budget Office and the City Attorney's Office.

### **FISCAL/POLICY ALIGNMENT**

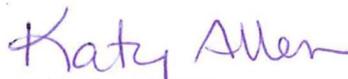
Not applicable.

### **COST SUMMARY/IMPLICATIONS**

There is no purchase cost to the City in establishing City -owned property as part of the public right-of-way.

### **CEQA**

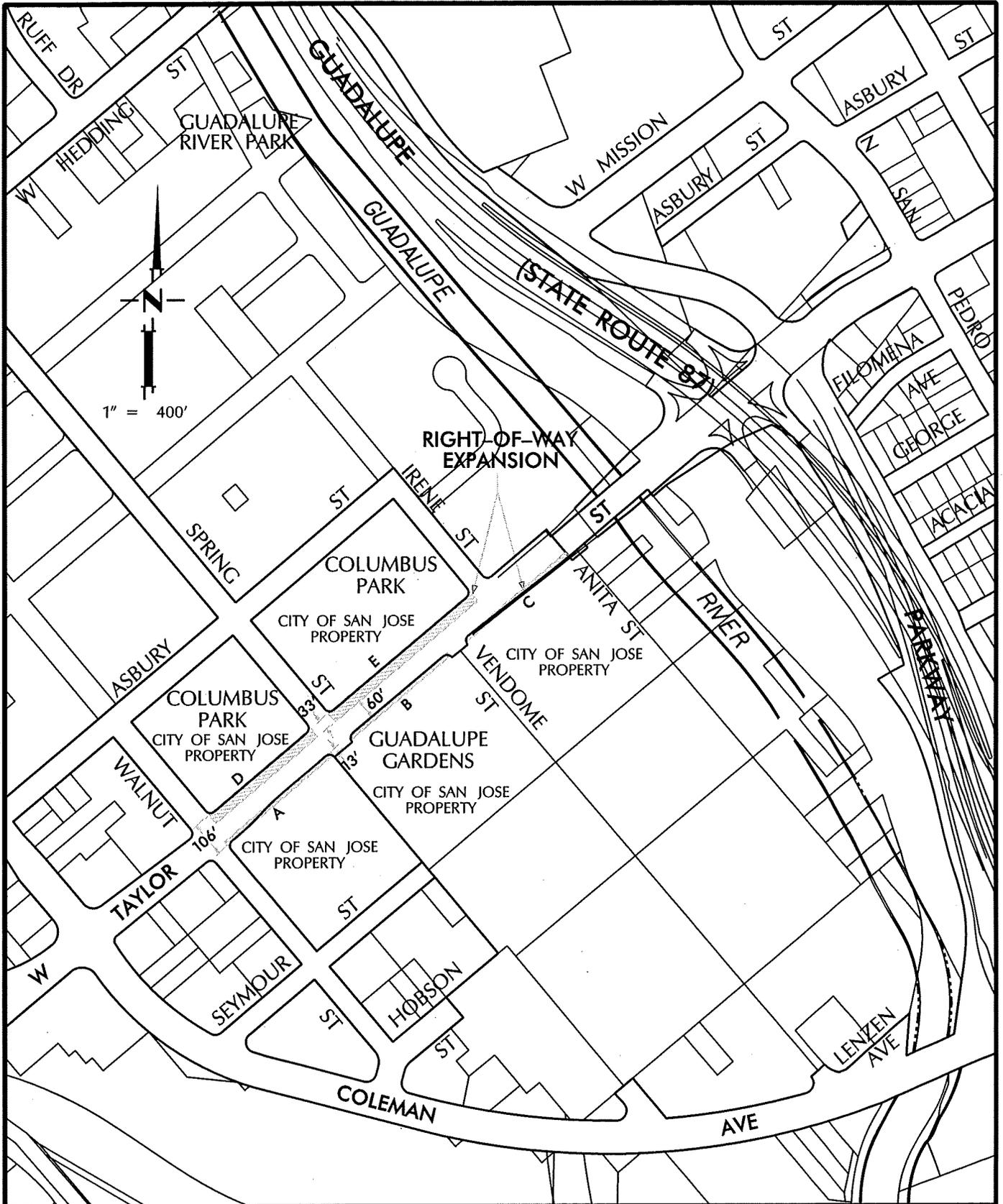
CEQA: Exempt, PP06-038.



KATY ALLEN  
Director, Public Works Department

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

PD:HS:ew  
(jt052708CM.Taylor.doc/CM)  
Attachment



**EXPANDING A PUBLIC RIGHT-OF-WAY  
ALONG TAYLOR STREET**  
RIGHT-OF-WAY EXPANSION MAP

CITY OF SAN JOSE  
DEPARTMENT OF PUBLIC WORKS  
MARCH 2008