



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Katy Allen

**SUBJECT: SUMMARY VACATION OF A
PORTION OF MCKEE ROAD**

DATE: 07-28-08

Approved

Date

7/29/08

COUNCIL DISTRICT: 5

RECOMMENDATION

Adoption of a resolution summarily vacating a portion of McKee Road located in front of 2740 McKee Road.

OUTCOME

Council adopts a resolution summarily vacating a portion of McKee Road in front of 2740 McKee Road.

BACKGROUND

An application for the vacation of this roadway has been submitted by the owner of record, Core Russo, LLC. The applicant requests the vacation of 5-feet of excess right-of-way along the project frontage (map attached). This vacation will facilitate enhanced pedestrian access to the units of their development at Tract No. 9622.

ANALYSIS

Staff has determined that this 5-foot strip of public right of way along the project's McKee frontage is excess right-of-way and is no longer needed for street purposes. Section 8334(a) of the California Streets and Highways Code allows the legislative body of a local agency to summarily vacate right-of-way when the local agency has determined that the vacation abandons excess street right-of-way. All utility companies having rights to this portion of McKee Road have provided written confirmation that they agree to this proposed vacation.

The subject portion of McKee Road is shown in the City's 2020 General Plan as an arterial roadway that should be designed to a width of 115-feet to 130-feet. Currently, McKee Road, within this vicinity, is a 135-foot roadway. The vacation of the subject 5-feet of excess right-of-way is consistent with the City's General Plan in that the remaining roadway width will be within the design limits of the arterial designation. In addition, the vacation of the 5-feet of

excess right of way will have no impact on vehicle lane widths or sidewalk widths along this section of McKee Road.

According to the title report issued by Old Republic Title Company, Core Russo, LLC holds fee ownership to the subject portion of the right-of-way. Upon recordation of this vacation, this portion of roadway will no longer be required for City maintenance and no further action by the City will be required.

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 easement vacation process.

If Council adopts this resolution summarily vacating a portion of McKee Road located in front of 2740 McKee Road, no further action by the City will 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. All concerned utility companies have been contacted in writing and have consented to the proposed easement vacation. This memorandum will be posted to the City's website for the August 19, 2008 Council agenda.

COORDINATION

The vacation has been coordinated with the Planning, Building and Code Enforcement Department, Transportation, Fire, Police, City Manager's Budget Office, and all public utility

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companies. In addition, the vacation and require resolution have been reviewed by the City Attorney's Office.

FISCAL/POLICY ALIGNMENT

Vacating a portion of McKee Road is in alignment with the Mayor's June 2007 Budget Message in that this action will reduce a potential City liability.

COST SUMMARY/IMPLICATIONS

The Public Works Department collected cost-recovery fees to process this public right-of-way vacation.

BUDGET REFERENCE

Not applicable.

CEQA

CEQA: Exempt, PDC03-082.

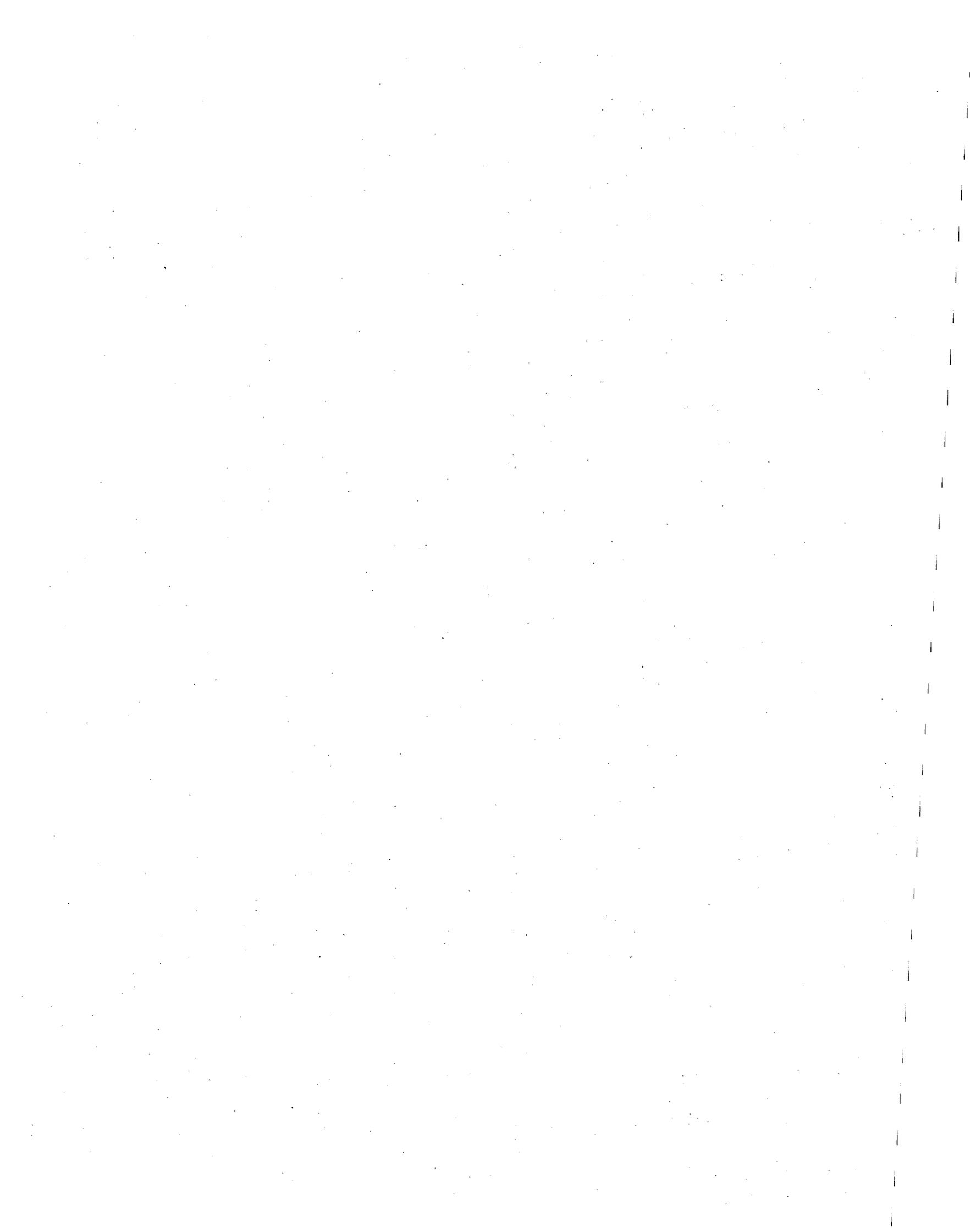


KATY ALLEN

Director, Public Works Department

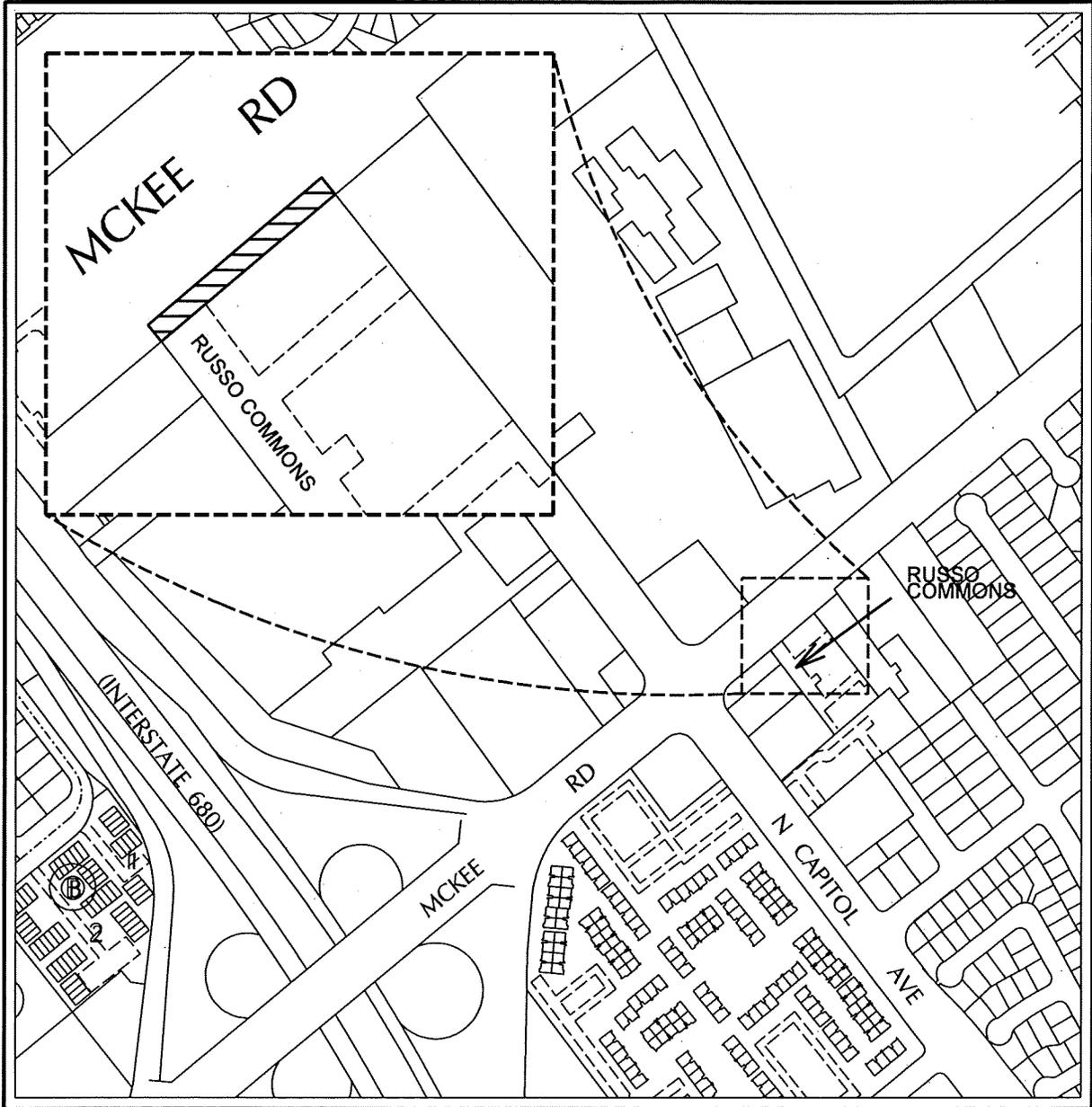
For questions please contact TIMM BORDEN, DEPUTY DIRECTOR, at 408-535-8300.

PD:ML:dcs
McKeeVac.doc
Attachment



LOCATION MAP

SHOWING THAT PORTION OF MCKEE ROAD TO BE VACATED



AREA TO BE VACATED



