COUNCIL AGENDA: 03-10-09
ITEM: 2.11

CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: Katy Allen

SUBJECT: SEE BELOW

DATE: 02-17-09

Approved

Date 2/19/09

COUNCIL DISTRICT: 4

SUBJECT: SUMMARY VACATION OF A 10-FOOT PUBLIC SERVICE EASEMENT AND 5-FOOT WIRE CLEARANCE EASEMENT

RECOMMENDATION

Adoption of a resolution summarily vacating a 10-foot Public Service Easement and a 5-foot Wire Clearance Easement lying in the northerly and southerly boundaries of Lot 163, Tract 3451 (Mylinda Drive).

OUTCOME

Council adopts a resolution summarily vacating a 10-foot Public Service Easement and a 5-foot Wire Clearance Easement lying in the northerly and southerly boundaries of Lot 163, Tract 3451 (Mylinda Drive).

BACKGROUND

Lakhwinder S. Bhangoo, property owner, submitted an application to vacate a 10-foot Public Service Easement (PSE) and a 5-foot Wire Clearance Easement (WCE) lying in the northerly and southerly boundaries of Lot 163, Tract 3451 (map attached). The PSE and WCE were created by Tract No. 3451, recorded in Book 165 of Maps at pages 52 through 53, Santa Clara County Records, on August 29, 1963. This application for vacation is needed to remove these encumbrances from the property and allow the owner to develop his property.

ANALYSIS

Staff has determined that these portions of the easements lying within the property are not needed for public purposes and can be vacated without adverse effects. All concerned utility companies have been contacted in writing and have no objection to this vacation. In addition, these portions of the easement do not contain any public facilities and have not been used for the purpose for which it was originally acquired, since its inception, which then allows for this summary vacation.

According to the title report issued by First American Title Company, dated October 14, 2008, Lakhwinder S. Bhangoo and Pal K. Bhangoo, husband and wife, hold fee ownership to the property. Upon vacation of the PSE and WCE, these encumbrances will be removed and no further action by staff would 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 the subject PSE and WCE, no further action by staff would 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 no objection to this vacation. This memorandum will be posted to the City's website for the March 10, 2009 Council agenda.

COORDINATION

The vacation has been coordinated with the appropriate public utility companies, Departments of Transportation, Police, Fire and the City Manager's Budget Office. In addition, the vacation and required resolution have been reviewed by the City Attorney's Office. All appropriate public utility companies have consented to the proposed vacation.

FISCAL/POLICY ALIGNMENT

Vacating this PSE and WCE is in alignment with the Mayor's June 2008 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 easement vacation.

BUDGET REFERENCE

Not applicable.

CEQA

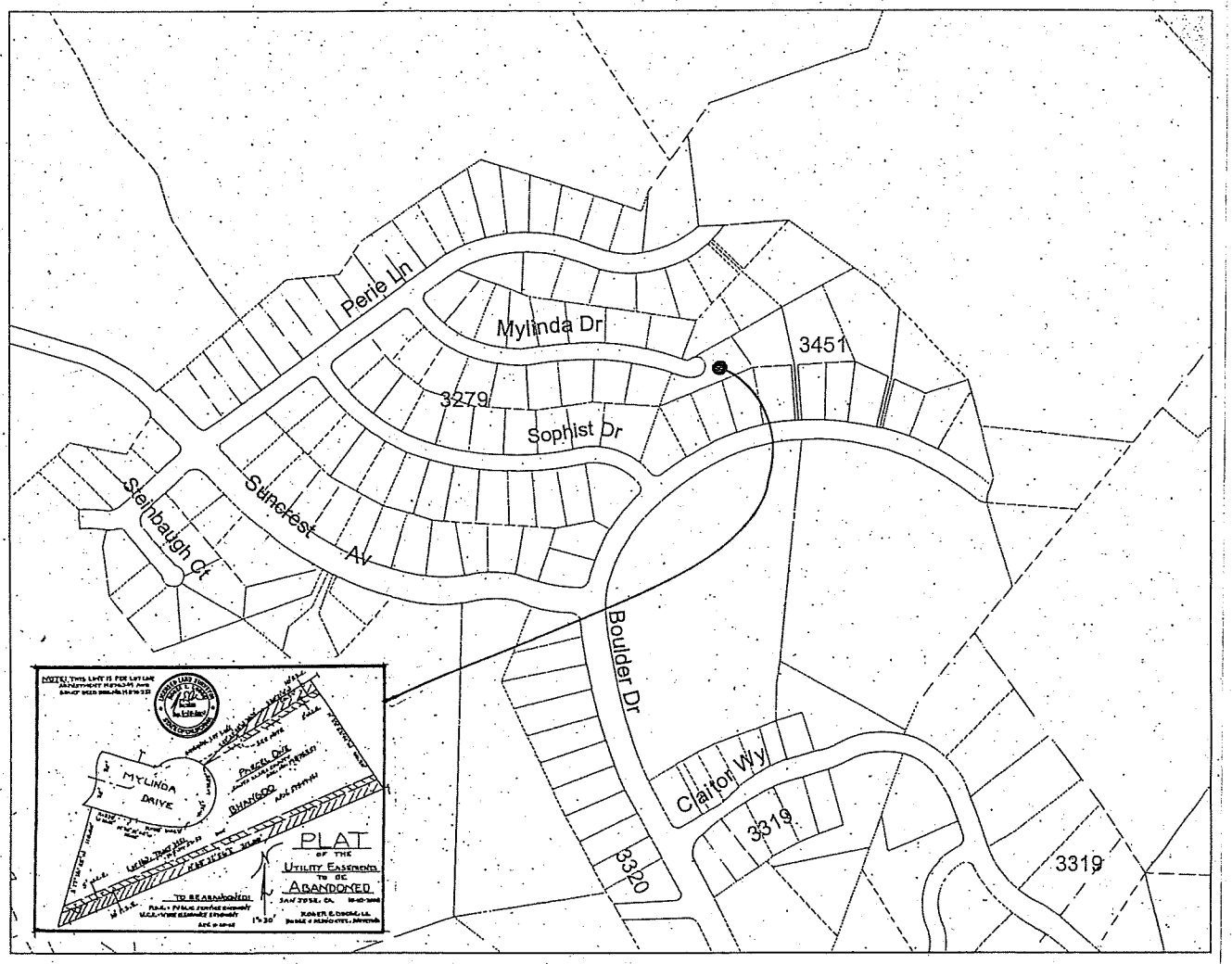
CEQA: Not a project.

Katy Allen
KATY ALLEN
Director, Public Works Department

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

PD:ML:dcs
SmyVacPSE&WCE 3-18018
Attachment

LOCATION MAP

SHOWING A 10 FOOT WIDE PUBLIC SERVICE EASEMENT (PSE) AND 5 FOOT WIDE WIRE CLEARANCE EASEMENT (WCE) TO BE VACATED

AREA TO BE VACATED