

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Katy Allen

SUBJECT: PUBLIC UTILITY EASEMENT
VACATION ON LOT 22 OF TRACT
1593 (1542 LARKSPUR DRIVE)

DATE: 10-26-09

Approved

Date 10/30/09

COUNCIL DISTRICT: 9

RECOMMENDATION

Adoption of a resolution of intention to vacate a portion of an existing 10-foot wide Public Utility Easement while reserving a Wire Clearance Easement over the area to be vacated, located at the rear of Lot 22 of Tract 1593 (1542 Larkspur Drive), and setting a public hearing on December 15, 2009 at 1:30 p.m.

OUTCOME

Adoption of this resolution will declare Council's intention to vacate a portion of an existing 10-foot wide Public Utility Easement (PUE) while reserving a Wire Clearance Easement (WCE) over the area to be vacated and will set a public hearing for December 15, 2009 at 1:30 p.m. for consideration of adoption of a proposed resolution to support the proposed vacation.

BACKGROUND

Donald B. Billings, Jr., owner of the subject property, submitted an application to vacate a portion of an existing 10-foot wide PUE at the rear of Lot 22 of Tract 1593 (1542 Larkspur Drive, map attached). The PUE was created through the recordation of Tract No. 1593 recorded in Book 63 of Maps on page 29, Santa Clara County Records, on October 27, 1955. This application for vacation is needed to remove a portion of this encumbrance from the property and allow the owner to develop his property.

ANALYSIS

Staff has determined that the subject portion of the PUE is not needed for public purposes. All concerned utility companies have been contacted in writing and have no objection to this vacation. In addition, AT&T consented to the vacation with the condition that a WCE be retained over the area to be vacated. As such, staff is proposing the vacation of a portion of the existing PUE with a reservation of a WCE over the area to be vacated.

Upon vacation of the PUE, this encumbrance will be removed and no further action by staff would be required.

The actions required for the vacation of a portion of the PUE and reservation of a WCE over the area to be vacated is:

November 17 at 1:30 p.m.: Council considers the adoption of a resolution of intention which:

1. Declares its intention to vacate a portion of the 10-foot wide PUE while reserving a WCE over the area to be vacated;
2. Sets a public hearing December 15, 2009 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 15 at 1:30 p.m.: Council conducts a public hearing to consider adoption of a resolution which vacates a portion of an existing 10-foot wide PUE while reserving a WCE over the area to be vacated, located at the rear of Lot 22 of Tract 1593 (1542 Larkspur Drive).

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 of intention to vacate the subject PUE, a public hearing will be scheduled for December 15, 2009 at 1:30 p.m. for Council to consider whether it is appropriate to vacate a portion of the subject PUE.

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)**

10-26-09

Subject: Public Utility Easement Vacation on Lot 22 of Tract 1593 (1542 Larkspur Drive)

Page 3

- 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 November 17, 2009 Council agenda.

COORDINATION

The vacation has been coordinated with the Departments of Planning, Building, and Code Enforcement, 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 PUE is in alignment with the FY 2009-10 Adopted Budget 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

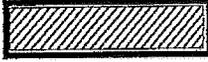
CEQA: Not a Project

/s/

KATY ALLEN
Director, Public Works Department

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

LOCATION MAP
SHOWING THE PUBLIC UTILITY EASEMENT TO BE VACATED



AREA TO BE VACATED

