



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: 11-23-09

Approved

Date

12/3/09

COUNCIL DISTRICT: 9

RECOMMENDATION

Conduct a public hearing and adopt a resolution 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).

OUTCOME

Council adopts a resolution to vacate the subject portion of an existing 10-foot wide Public Utility Easement (PUE) while reserving a Wire Clearance Easement (WCE) over the area to be vacated.

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 at 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.

On November 17, 2009, the City Council adopted a resolution which declared the Council's intention to vacate 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 (1594 Larkspur Drive). The resolution approved a map showing the subject right-of-way to be vacated, set the public hearing for December 15, 2009, at 1:30 p.m. and directed the Director of Public Works to post the site with Notice of Vacation.

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.

No new information regarding this vacation has been received since the November 17, 2009 Council meeting.

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 to vacate the subject PUE while reserving a WCE over the area to be vacated, located at the rear of Lot 22 of Tract 1593 (1594 Larkspur Drive), 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 no objection to this vacation. This memorandum will be posted to the City's website for the December 15, 2009 Council agenda.

HONORABLE MAYOR AND CITY COUNCIL

11-23-09

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

Page 3

COORDINATION

The vacation has been coordinated with the Department 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 with the condition that the City reserves a WCE over the entire area to be vacated.

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

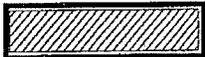
/s/

KATY ALLEN
Director, Public Works Department

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

PD:ML:dcs
(2nd CCMemo Larkspur)
Attachment

LOCATION MAP
SHOWING THE PUBLIC UTILITY EASEMENT TO BE VACATED



AREA TO BE VACATED

