



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Katy Allen

**SUBJECT: PUBLIC SERVICE EASEMENT
VACATION AT 3550 SNELL
AVENUE**

DATE: 01-04-10

Approved

Date

1/8/10

COUNCIL DISTRICT: 7

RECOMMENDATION

Conduct a public hearing and adopt a resolution to vacate a Public Service Easement within a private property at 3550 Snell Avenue.

OUTCOME

Council adopts a resolution to vacate a Public Service Easement within a private property at 3550 Snell Avenue.

BACKGROUND

Chappell Surveying Services submitted an application on behalf of the property owner, Santa Clara County Board of Education, to vacate a Public Service Easement (PSE) within a private property at 3550 Snell Avenue (map attached). The PSE was created through the recordation of Tract No. 6937 recorded in Book 485 of Maps at pages 4 through 5, Santa Clara County Records, on May 22, 1981. This vacation is not part of a development project.

On December 15, 2009, the City Council adopted a resolution which declared the Council's intention to vacate the PSE. The resolution approved a map showing the subject PSE to be vacated, set the public hearing for January 26, 2010, 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 PSE is not needed for public purposes. All concerned utility companies have consented to the easement vacation. Upon vacation of the PSE, 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 December 15, 2009 Council meeting.

EVALUATION AND FOLLOW-UP

This vacation conforms to the Public Works performance measurement of maintaining 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 PSE, 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. The public was afforded the opportunity to comment on the proposed vacation during the December 15, 2009 Council meeting. This memorandum will be posted to the City's website for the January 26, 2010 Council agenda.

COORDINATION

The vacation has been coordinated with the Department of Planning, Building, and Code Enforcement and the City Manager's Budget Office. The vacation and required resolution have been reviewed by the City Attorney's Office.

FISCAL/POLICY ALIGNMENT

Vacating the PSE is in alignment with the Mayor's June 2009 Budget Message in that this action will reduce a potential City liability.

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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.