



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Katy Allen

SUBJECT: SEE BELOW

DATE: 01-11-10

Approved

Date

1-19-09

COUNCIL DISTRICT: 5

SUBJECT: SUMMARY VACATION OF A PUBLIC SERVICE EASEMENT AND A WIRE CLEARANCE EASEMENT AT 1730 PEREGRINO WAY.

RECOMMENDATION

Adoption of a resolution summarily vacating a Public Service Easement and Wire Clearance Easement at 1730 Peregrino Way.

OUTCOME

Council adopts a resolution summarily vacating a Public Service Easement and Wire Clearance Easement at 1730 Peregrino Way.

BACKGROUND

Michael W. Warner, the property owner, submitted an application to vacate a Public Service Easement (PSE) and Wire Clearance Easement (WCE) on a private property located at 1730 Peregrino Way (map attached). Both the PSE and WCE were created through the recordation of Tract No. 3522 recorded on August 12, 1963 in Book 165 of Maps at Pages 2 and 3, Santa Clara County Records. The property owner requests the vacation of these encumbrances to build an additional two-car garage.

ANALYSIS

Staff has determined that the subject easements are not needed for public purposes. Section 8333(a) of the California Streets and Highways Code allows the legislative body of a local agency to summarily vacate an easement that has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation. The property owner acquired the property in 1982 and confirmed the easements have not been utilized. All utility companies having rights to the subject easements have provided written confirmation that they agree to the proposed vacation.

According to the title report issued by Commonwealth Land Title Company, Michael W. Warner and Laurie E. Warner, husband and wife, as joint tenants, are the underlying fee owners of the area proposed for vacation. Upon recordation of the vacation, the subject easements will be removed from the property and no further action by the City will be required.

EVALUATION AND FOLLOW-UP

This project 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 summarily vacating the subject easements, 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 the vacation. This memorandum will be posted to the City's website for the February 2, 2010 Council agenda.

COORDINATION

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

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FISCAL/POLICY ALIGNMENT

Vacating the subject easements is in alignment with the Mayor's June 2009 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: Not a project.

/s/

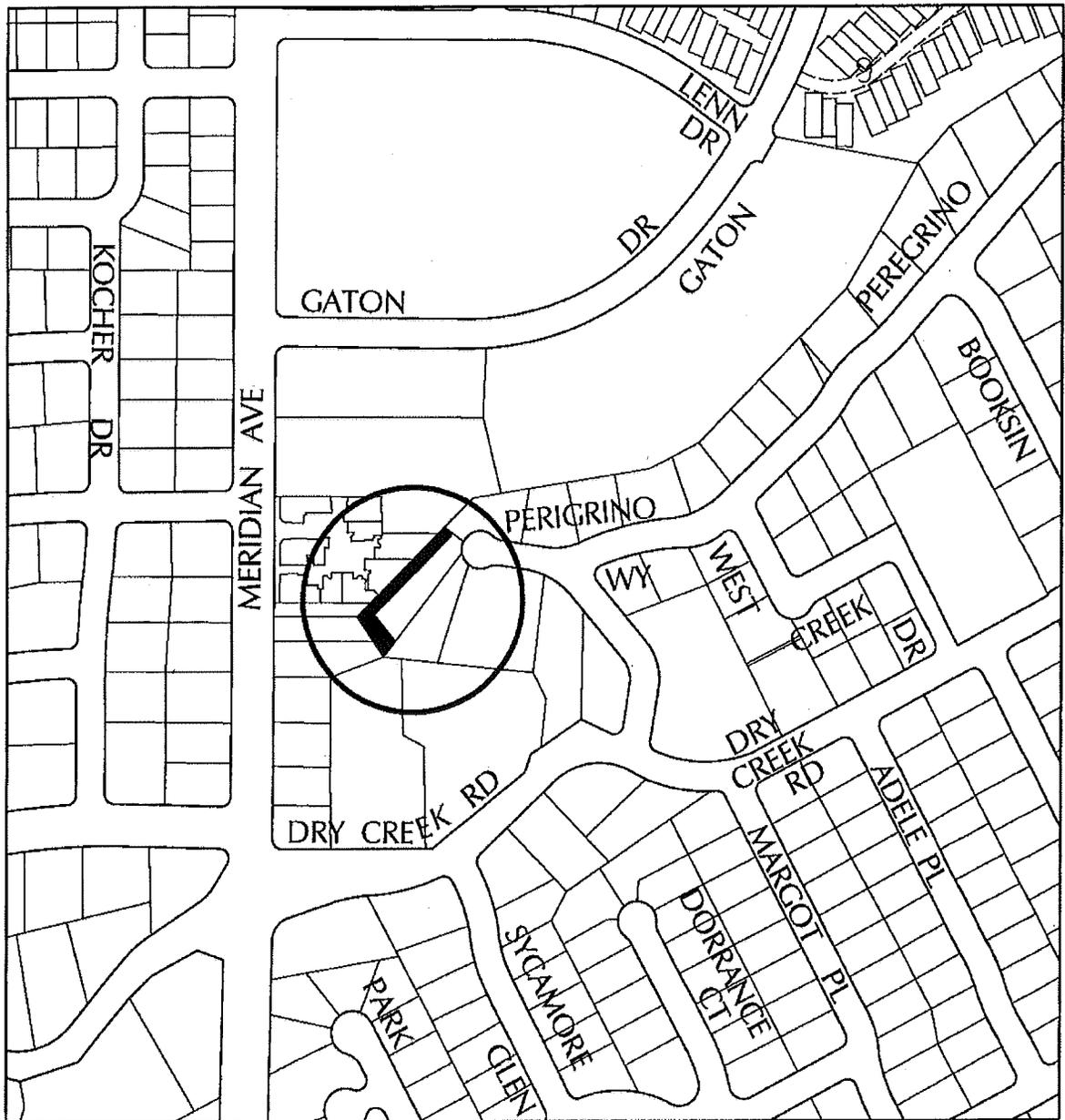
KATY ALLEN
Director, Public Works Department

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

PD:RD:des
Attachment

LOCATION MAP

SHOWING A PUBLIC SERVICE EASEMENT AND
WIRE CLEARANCE EASEMENT AT
1730 PEREGRINO WAY TO BE VACATED



AREA TO BE VACATED

