



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Katy Allen
Peter Jensen

SUBJECT: STREET VACATION OF MCLELLAN AVENUE, GRANT STREET, AND EDWARDS AVENUE **DATE:** 02-22-10

Approved

Date

3/2/10

COUNCIL DISTRICT: 3

RECOMMENDATION

Adoption of a resolution of intention to vacate a portion of McLellan Avenue, Grant Street, and Edwards Avenue and setting a public hearing on April 6, 2010 at 1:30 p.m.

OUTCOME

Council adopts a resolution of intention to vacate a portion of McLellan Avenue, Grant Street, and Edwards Avenue. In addition, Council sets a public hearing on April 6, 2010 at 1:30 p.m. for consideration of adoption of a proposed resolution vacating the subject streets.

BACKGROUND

The Santa Clara Valley Water District (SCVWD) submitted an application to vacate a portion of McLellan Avenue, Grant Street, and Edwards Avenue (map attached). The abandonment of the subject streets is necessary to facilitate the completion of the SCVWD's Upper Guadalupe River Improvement Project (Reach 6). In general, the Upper Guadalupe River Improvement Project aims to provide flood protection for 7,500 homes and businesses on the upper Guadalupe River, from Interstate 280 to Blossom Hill Road, with potential damages from a 1 percent flood exceeding \$280 million and provide long-term environmental benefits for fish and wildlife habitat. Reach 6 is the most northerly reach of the Upper Guadalupe River Flood Protection Project, extending nearly a half-mile from Interstate 280 to the Union Pacific Railroad bridge crossing. The SCVWD is currently finalizing plans and specifications for the project and plans to begin construction in the spring of 2010.

As this project involves creek improvements and minor realignment, the subject portions of McLellan Avenue, Grant Street, and Edwards Avenue need to be vacated in order to accommodate this design.

ANALYSIS

This vacation application includes the abandonment of the following City street segments:

1. Grant Street - west of Palm Street (also known as Parcel 1)
2. McLellan Avenue - between Palm Street and the northerly edge of Virginia Street (also known as Parcel 2)
3. McLellan Avenue - between the southerly edge of Virginia Street to the northerly edge of Edwards Avenue (also known as Parcel 3)
4. Edwards Avenue - east of McLellan Avenue to McLellan Avenue - north of Willow Street (also known as Parcel 4)

City staff has reviewed the subject vacation application and concur with the SCVWD's proposal to abandon these streets. As the SCVWD has purchased the surrounding properties for the portions of Grant Street and McLellan Avenue (Parcels 1, 2, and 3) to be abandoned, there no longer remains a need for these portions of public street. However, the portion of Edwards Avenue (Parcel 4) still provides public street access to certain privately owned parcels. In order to accommodate the vacation of this portion of Edwards Avenue, the SCVWD has proposed the relocation of this street segment. The SCVWD will construct this relocated street with their construction project and dedicate the necessary public rights of way to accommodate this design. The existing street will provide legal access to abutting properties until such time that the replacement is complete.

According to the title reports submitted, the City of San Jose holds fee title to subject streets proposed for vacation. In order to accommodate the construction of the Upper Guadalupe River Reach 6 Project, the SCVWD has requested to acquire fee title to the subject streets. Therefore, at the proposed public hearing on April 6, 2010, concurrent with the proposed resolution to vacate the subject streets, Council will also be asked to approve an agreement authorizing the sale of property to the SCVWD for just compensation.

All concerned utility companies have been contacted in writing and have no objection to this vacation provided the existing facilities of Pacific, Gas, and Electric (PG&E) and San Jose Water Co. (SJWC) are removed and /or relocated. The SCVWD has contracted with both PG&E and SJWC to relocate their facilities.

The actions required for the vacation of the subject streets are:

March 16, 2010 at 1:30 p.m.: Council considers the adoption of a resolution of intention which:

1. Declares its intention to vacate a portion of McLellan Avenue, Grant Street, and Edwards Avenue;
2. Sets a public hearing April 6, 2010 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.

April 6, 2010 at 1:30 p.m.:

1. Council conducts a public hearing to consider adoption of a resolution which conditionally vacates a portion of McLellan Avenue, Grant Street, and Edwards Avenue.
2. Council considers approval of an agreement authorizing the sale of the subject property to the adjacent property owner, the Santa Clara Valley Water District.

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 conditionally vacate a portion of McLellan Avenue, Grant Street, and Edwards Avenue a public hearing will be scheduled for April 6, 2010 at 1:30 p.m for Council to consider whether it is appropriate to vacate the subject streets.

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 16, 2010 Council agenda.

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 except for PG&E and SJWC that required abandonment or relocation of their respective facilities.

FISCAL/POLICY ALIGNMENT

Vacating these streets is in alignment with the FY 2009-10 Adopted Budget Mayor's 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 street vacation. Additionally, in coordination with the Department of General Services, the City of San Jose will receive just compensation for the granting of City fee owned property to SCVWD.

BUDGET REFERENCE

Not applicable.

CEQA

CEQA: Resolution to be adopted.

/s/

PETER JENSEN
Director, General Services Department

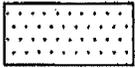
/s/

KATY ALLEN
Director, Public Works Department

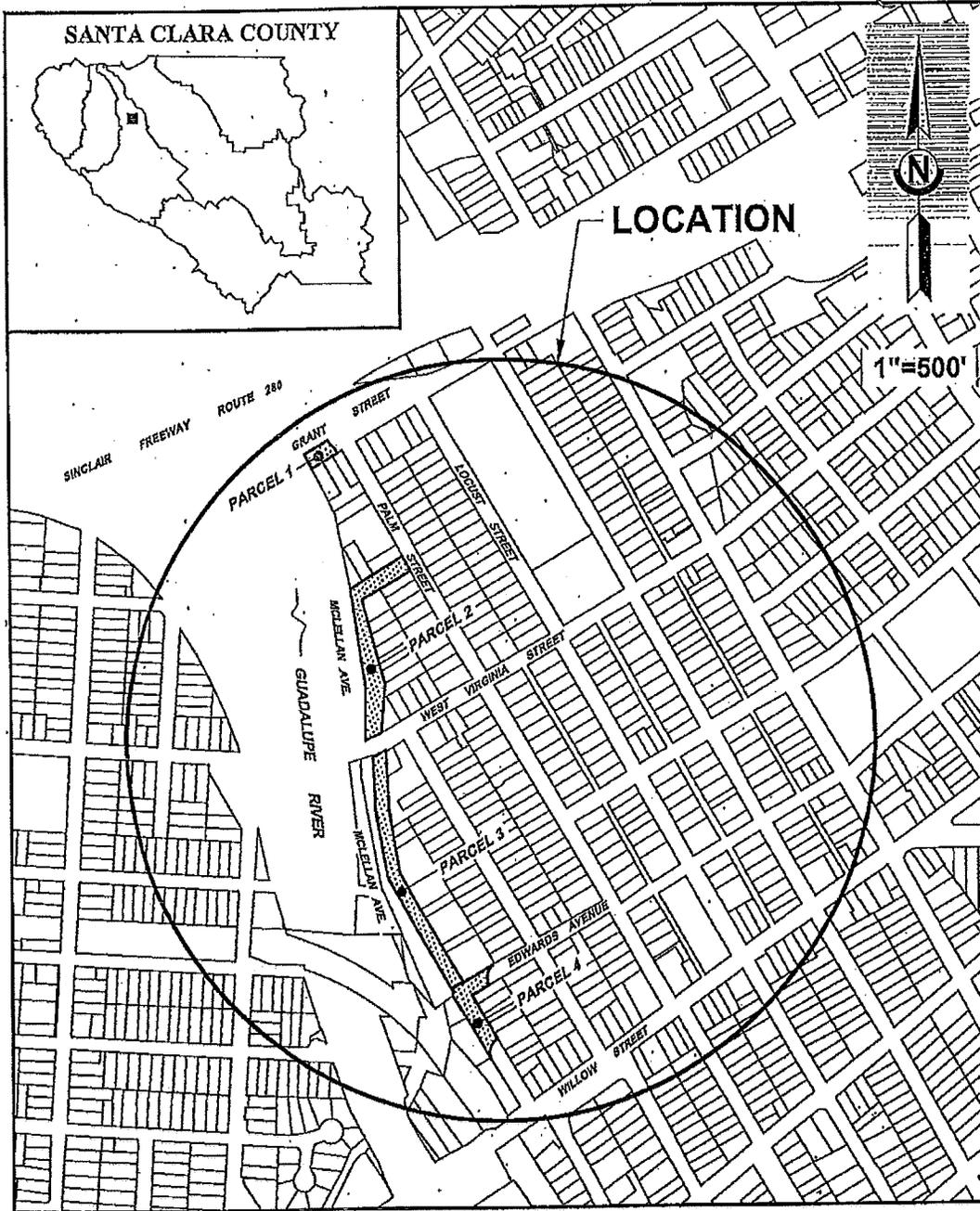
For questions please contact TIMM BORDEN, DEPUTY DIRECTOR, PUBLIC WORKS DEPARTMENT, at 408-535-8300.

LOCATION MAP

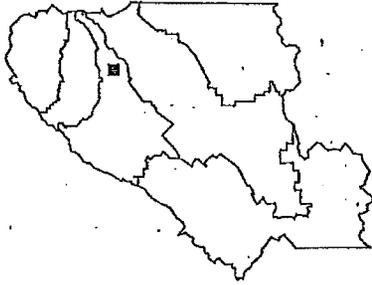
SHOWING THAT PORTION OF THE STREET TO BE VACATED



AREA TO BE VACATED



SANTA CLARA COUNTY



LOCATION

1"=500'