



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: David Sykes

SUBJECT: VACATION OF A PORTION
OF SOUTH MONROE STREET

DATE: March 19, 2012

Approved

Date

3/22/12

COUNCIL DISTRICT: 6

RECOMMENDATION

Adopt a resolution of intention to vacate a portion of S. Monroe Street, 300 feet north of Tisch Way and setting a public hearing on May 1, 2012 at 1:30 P.M.

OUTCOME

If Council adopts a resolution of intention to vacate the subject portion of S. Monroe Street a public hearing would be set for May 1, 2012 at 1:30 p.m. for consideration of adoption of a proposed resolution vacating the subject right of way. By approving the staff recommendation, Council would allow for the continuation of the planned narrowing of Monroe Street and the removal of excess street right of way.

BACKGROUND

KB HOME South Bay Inc. has submitted an application for the vacation of a portion of S. Monroe Street, 300 feet north of Tisch Way (map attached). This vacation is required to fulfill development conditions of Planned Development Permit PD11-009, which proposes construction of 104 multi-family attached residences on 8.21 gross acres located at 485 S. Monroe Street. As a condition of development, KB HOME South Bay Inc. is required to narrow existing S. Monroe Street by 14-feet in compliance with the current plan line for this street segment. The vacated area is proposed for inclusion into the proposed site plan for this residential development.

ANALYSIS

Staff has determined that this portion of S. Monroe Street is no longer needed as a public street. Additionally, KB HOME South Bay Inc. will narrow S. Monroe Street based on a current plan

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line for this street segment. Narrowing S. Monroe Street will facilitate traffic calming along this portion of Monroe Street. The title report indicates that the City holds fee title to the portion of S. Monroe Street proposed for vacation. In order to incorporate the proposed vacation area into the residential development, KB HOME South Bay Inc. has requested to acquire fee title to the subject area. Therefore, concurrent with the proposed resolution to vacate the subject portion of S. Monroe Street, Council will also be asked via separate memorandum from the Office of Economic Development to approve an agreement authorizing the conveyance of fee interest of the subject area to KB HOME South Bay Inc. for just compensation through a purchase and sales agreement. Additionally, if the Council approves the proposed vacation on May 1, 2012, the resolution will be conditional upon the completion of the above mentioned purchase and sales agreement.

All concerned utility companies have consented to the proposed vacation and have no request for reservation of any public service easement as there are no facilities that reside in the area proposed for vacation.

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

April 10, 2012 at 1:30 p.m.: Council considers the adoption of a resolution of intention which:

1. Declares its intention to vacate a portion of S. Monroe Street, 300 feet north of Tisch Way;
2. Sets a public hearing May 1, 2012 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.

May 1, 2012 at 1:30 p.m.: Council conducts a public hearing to consider adoption of a resolution vacating the subject portion of S. Monroe Street.

EVALUATION AND FOLLOW UP

If Council adopts this resolution of intention to vacate the subject portion of S. Monroe Street, 300' north of Tisch Way, a public hearing will be scheduled for May 1, 2012 at 1:30 pm for Council to consider whether it is appropriate to vacate the area proposed for vacation.

PUBLIC OUTREACH/INTEREST

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**

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- 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; however, the public was afforded the opportunity to comment on the proposed development and associated street vacation during the planning process for 485 S. Monroe Street (PDC10-018). All concerned utility companies have been contacted in writing and have no objection to this vacation and have no request for reservation of a public service easement as there are no facilities that reside in the area proposed for vacation.

COORDINATION

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

FISCAL/POLICY ALIGNMENT

Vacating the subject portion of S. Monroe Street is in alignment with the Council-approved Budget Strategy Expenditure Control section by eliminating a City maintenance obligation and liability.

COST SUMMARY/ IMPLICATIONS

The Public Works Department collected \$5,920.00 in cost-recovery fees on October 13, 2011, to process this street vacation. Additionally, in coordination with the Office of Economic Development, the City will receive compensation for the conveyance of City fee owned property to KB HOME South Bay Inc.

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CEQA

CEQA: Mitigated Negative Declaration, PDC10-018

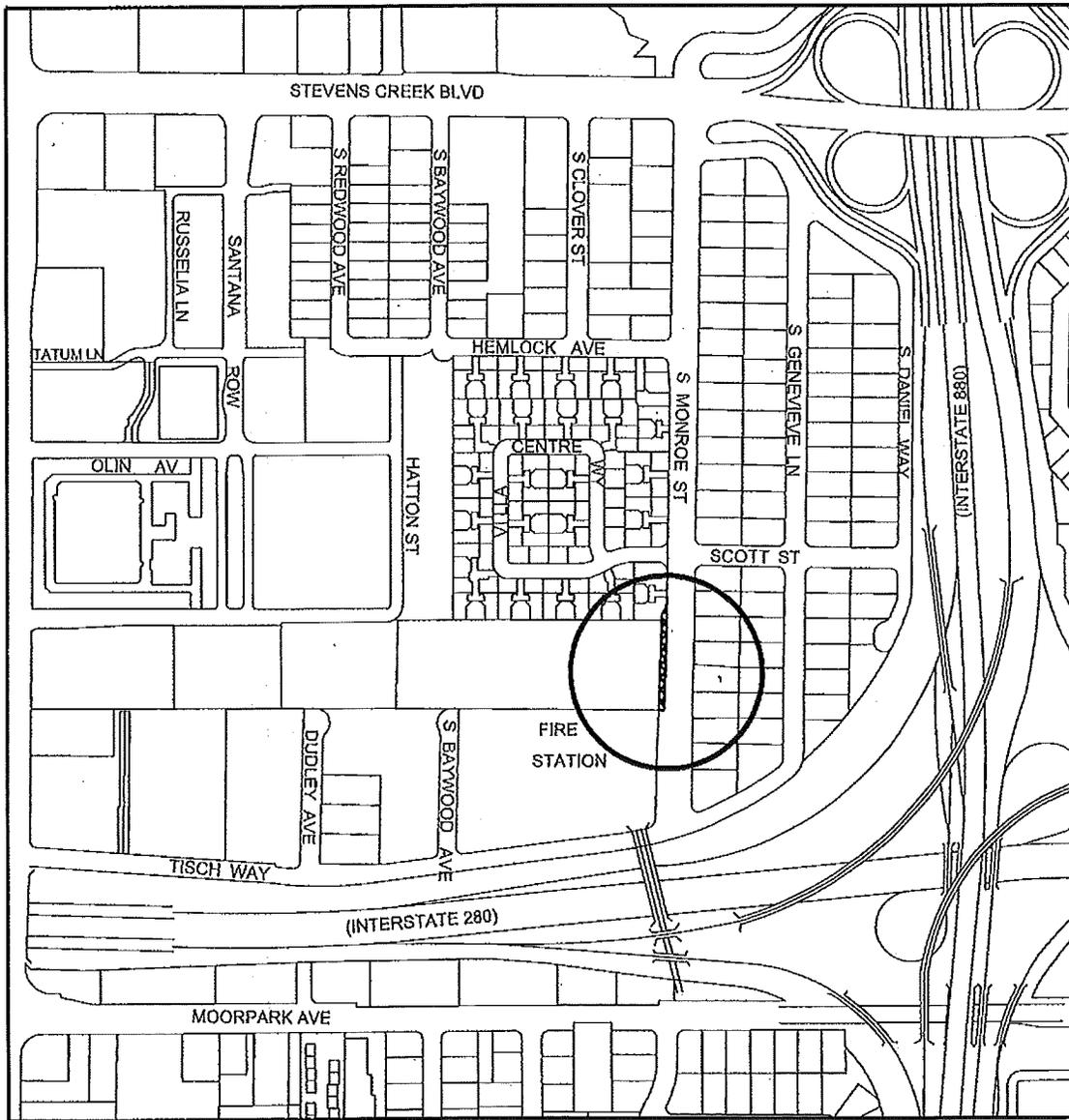
/s/
DAVID SYKES
Director of Public Works

For questions please contact Harry Freitas, Acting Assistant Director, at 408-535-8300.

Attachment

LOCATION MAP

SHOWING THE VACATION OF A PORTION OF S MONROE STREET
BETWEEN SCOTT STREET AND TISCH WAY



AREA TO BE VACATED

