



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: David Sykes

SUBJECT: SEE BELOW

DATE: April 2, 2012

Approved

Date

4/9/12

COUNCIL DISTRICT: 3

**SUBJECT: VARIOUS SUMMARY EASEMENT VACATIONS FOR THE
SOUTHEAST CORNER OF NORTH FIRST AND ROSEMARY STREETS**

RECOMMENDATION

Adopt a resolution summarily vacating a portion of a Public Service Easement, an Anchor Easement, a portion of a Wire Clearance Easement, and a portion of a Building Set Back Line Easement, within properties located at the southeast corner of North First and Rosemary Streets.

OUTCOME

Council adopts a resolution vacating a portion of a Public Service Easement, an Anchor Easement, a portion of a Wire Clearance Easement, and a portion of a Building Set Back Line Easement within properties located at the southeast corner of North First and Rosemary Streets. By approving the staff recommendation, Council would allow for the continuation of planned residential construction on the subject properties and the removal of unnecessary public easements.

BACKGROUND

Brian, Kangus, & Faulk Engineers, the civil engineer of record, has submitted applications on behalf of the property owner, 1st and Rosemary Family Housing, L.P., for the vacation of various easements across a property located at the southeast corner of North First and Rosemary Streets (map attached). In 1960, with the recordation of Tract 2670, the following easements were created on the subject property: Public Service Easement (PSE), Anchor Easement (AE), Wire Clearance Easement (WCE), and a Building Set Back Line Easement (BSBL) for the benefit of utility companies as well as to provide adequate setback for any new structures.

In 2009 and 2011, the City approved both Planned Development Permits PD08-053 and PD11-025, to allow the construction of 290 residential units on a 4.045 gross acre site at the southeast corner of North First and Rosemary Streets. These easement vacations are required to fulfill development conditions for this project. Currently, these properties are vacant and all existing structures have been demolished.

ANALYSIS

Staff has determined that a portion of the PSE, AE, and a portion of the WCE are not needed for public purposes. All concerned utility companies have been contacted in writing and have no objection to this vacation and have no request for reservation of easements as there are no facilities that reside in the subject PSE, AE, and WCE areas proposed for vacation.

Additionally, staff has determined that the subject BSBL easement, originally created as a mechanism to assure compliance with setback requirements present in 1960, is also no longer needed as the current Planned Development zonings for the properties provide adequate setback requirements for the proposed residential development project.

As these easements on the subject properties have not been used for the purposes for which they were dedicated for five consecutive years immediately preceding the proposed vacation, the subject easements may be summarily vacated per the Streets and Highway Code, Section 8333(a).

Upon recordation of the vacation, the subject portion of the easements will be removed from these properties and no further action by the City will be required.

EVALUATION AND FOLLOW-UP

If Council adopts this resolution summarily vacating the subject easements, no further action by the City will be required.

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; however, the public was afforded the opportunity to comment on the proposed development and associated easement vacations during the planning process for the subject property at the southeast corner of North First and Rosemary Streets PDC11-011. 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 easement areas proposed for vacation. Additionally, this memorandum will be posted to the City's website for the April 24, 2012 Council Agenda.

COORDINATION

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

FISCAL/POLICY ALIGNMENT

Vacating the subject easements at the southeast corner of North First and Rosemary Streets is in alignment with the Council-approved Budget Strategy Expenditure Control section by eliminating a City maintenance obligation and liability.

COST SUMMARY/ IMPLICATIONS

Staff has collected \$4,612.00 in cost-recovery fees to process these easement vacations.

CEQA

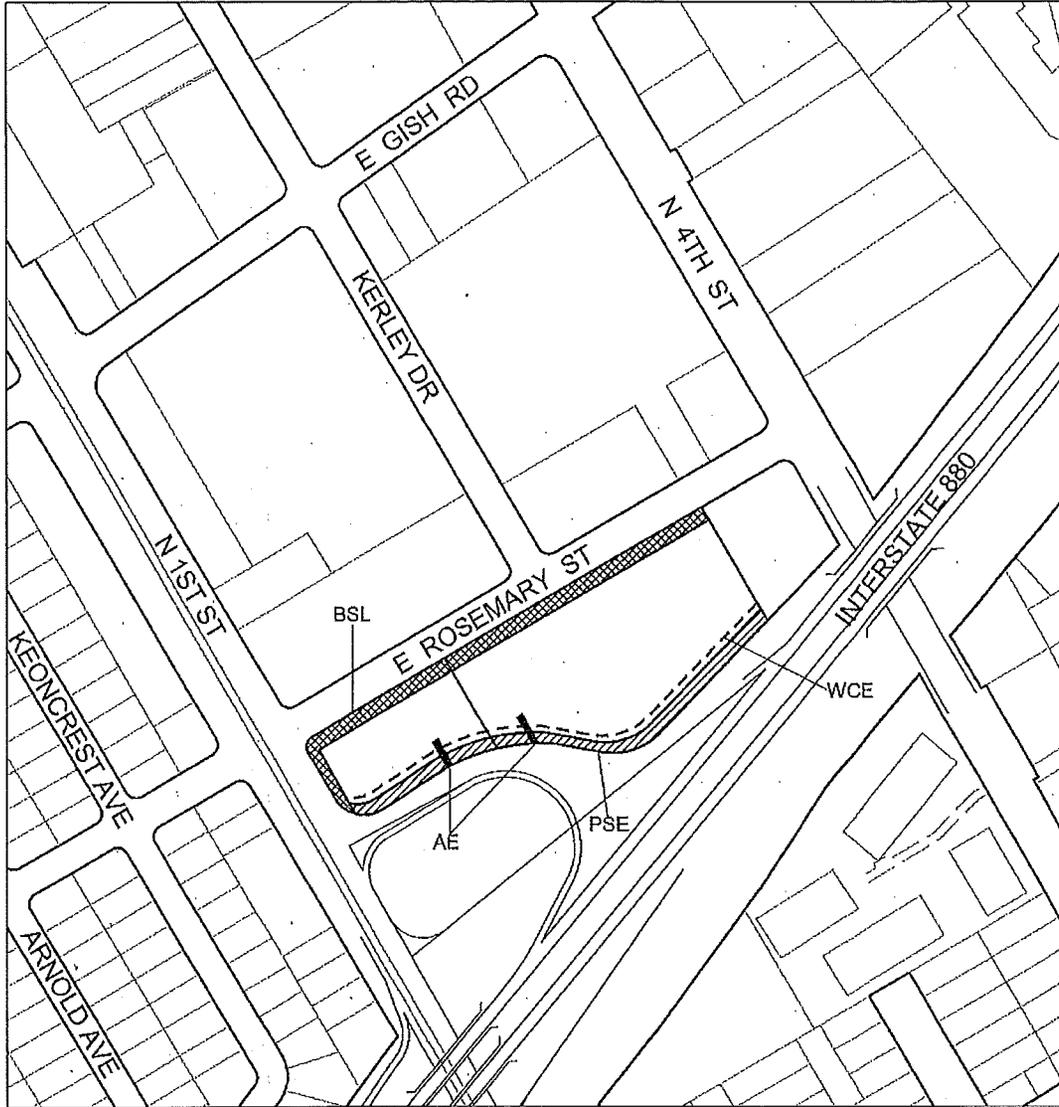
Mitigated Negative Declaration, PDC11-011

/s/
DAVID SYKES
Director of Public Works

For questions please contact HARRY FREITAS, ACTING ASSISTANT DIRECTOR,
at 408-535-8300

LOCATION MAP

SHOWING THE VACATION OF EASEMENTS ON PARCELS LOCATED
AT ROSEMARY STREET BETWEEN N FIRST STREET AND N FOURTH STREET



-  BUILDING SETBACK LINE (BSL)
-  PUBLIC SERVICE EASEMENT (PSE)
-  ANCHOR EASEMENT (AE)
-  WIRE CLEARANCE EASEMENT (WCE)

