



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: David Sykes

SUBJECT: SEE BELOW

DATE: September 24, 2012

Approved

Date

10/2/12

COUNCIL DISTRICT: 6

SUBJECT: VACATION OF A PORTION OF EMORY STREET FROM STOCKTON AVENUE TO LAUREL STREET

RECOMMENDATION

Adopt a resolution of intention to vacate a portion of Emory Street from Stockton Avenue to Laurel Street and set a public hearing on November 6, 2012 at 1:30 P.M.

OUTCOME

Council adopts a resolution of intention to vacate the subject portion of Emory Street and sets a public hearing for November 6, 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 baseball field improvements associated with the Bellarmine College Preparatory School.

BACKGROUND

Devcon Construction has submitted an application on behalf of Bellarmine College Preparatory School for the vacation of a portion of Emory Street from Stockton Avenue to Laurel Street (map attached). The area proposed for vacation currently functions as a public cul-de-sac and provides access for the school's designated pick and up drop off location. To fulfill development conditions of Planned Development Permit (PD12-005), which proposes improvements to an existing baseball field on a 2.3 acre portion of the school's 16.0 acre campus and to address set back requirements for the proposed baseball field bleachers, Bellarmine College Preparatory School is requesting the vacation of a portion of Emory Street from Laurel Street to Stockton Avenue. Vacating this portion of Emory Street will address set back requirements by allowing for incorporation of the vacated area into the project site.

ANALYSIS

Staff has determined that this portion of Emory Street is no longer needed for public street vehicular purposes. As mentioned above, this portion of Emory Street currently functions as a public cul-de-sac that is the primary access for the school's designated pick up and drop off location. As Bellarmine College Preparatory is the principal user of this portion of Emory Street as the adjacent properties are owned by the school, staff has concluded that this portion of Emory Street is no longer need for public vehicular purposes.

The title report for this subject area indicates that the City holds fee title to the portion of Emory Street proposed for vacation. In order to incorporate the proposed vacation area into the Bellarmine Campus site, Bellarmine College Preparatory School has requested to acquire fee title to the subject area. Therefore, concurrent with the proposed resolution to vacate the subject portion of Emory 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 Bellarmine College Preparatory School for just compensation through a purchase and sales agreement. Additionally, if the Council approves the proposed vacation on November 6, 2012, the vacation will be conditional and will not take effect until the completion of the purchase of fee title from the City by Bellarmine.

Due to several existing utilities within the area proposed for vacation, a desire to preserve pedestrian connectivity to the Caltrain Station adjacent to the site, and the need to safeguard emergency access to the Bellarmine Campus, Council will be asked to reserve the following four easements across various portions of the proposed vacation area: 1) a Public Service Easement over the entire area proposed for vacation, 2) a 20-foot Sanitary Sewer Easement, 3) a 12-foot Pedestrian Access Easement, and 4) a 20-foot Emergency Access Easement.

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

October 16, 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 Emory Street from Stockton Avenue to Laurel Street;
2. Sets a public hearing for November 6, 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.

November 6, 2012 at 1:30 p.m.: Council conducts a public hearing to consider adoption of a resolution vacating the subject portion of Emory Street.

EVALUATION AND FOLLOW UP

If Council adopts this resolution of intention, a public hearing will be scheduled for November 6, 2012, at 1:30 pm for Council to consider whether it is appropriate to vacate the subject portion of Emory Street from Stockton Avenue to Laurel Street.

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 street vacation during the planning process for the Bellarmine College Preparatory School (PD12-005). All concerned utility companies have been contacted in writing and have no objection to this vacation and have requested for the reservation of a public service easement for their respective 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 Emory Street is in alignment with the Council-approved Budget Strategy Expenditure Control section by eliminating a City maintenance obligation and liability.

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COST SUMMARY/ IMPLICATIONS

The Public Works Department collected \$5,920.00 in cost-recovery fees on July 10, 2012, 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 Bellarmine College Preparatory School.

CEQA

Mitigated Negative Declaration, PDC07-072.

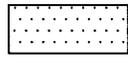
/s/
DAVID SYKES
Director of Public Works

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

Attachment

LOCATION MAP

SHOWING THAT PORTION OF EMORY STREET TO BE VACATED



AREA TO BE VACATED WITH RESERVATION OF VARIOUS EASEMENTS

(PEDESTRIAN ACCESS EASEMENT, EMERGENCY VEHICLE ACCESS EASEMENT, SANITARY SEWER EASEMENT, AND PUBLIC SERVICE EASEMENT)

