



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: David Sykes

SUBJECT: CHABOLLA ALLEY
VACATION

DATE: November 5, 2012

Approved

Date

11/9/12

COUNCIL DISTRICT: 3

RECOMMENDATION

Adopt a resolution of intention to vacate Chabolla Alley between North San Pedro Street and Terraine Street and set a public hearing on December 18, 2012, at 1:30 p.m.

OUTCOME

Council adopts a resolution of intention to vacate Chabolla Alley between North San Pedro Street and Terraine Street and sets a public hearing for December 18, 2012, at 1:30 p.m. for consideration of adoption of a proposed resolution vacating the subject alley.

BACKGROUND

Aperture Consulting submitted an application on behalf of the property owner, St. James Enterprises, L.P., a limited partnership, to vacate Chabolla Alley between North San Pedro Street and Terraine Street (map attached). The dedication of Chabolla Alley was recorded May 17, 1949, in Book 1788, Pages 197-199 of Santa Clara County Records. The proposed vacation is not associated with any pending private development or public projects.

ANALYSIS

Staff has determined that Chabolla Alley is no longer needed as a public alley. The alley was created in 1949 but has not served any purpose for some time. The proposed vacation will eliminate this residual right-of-way.

All concerned utility companies have consented to the proposed vacation and have no request for reservation of any public service easement.

There is an existing public sanitary sewer line within a portion of the subject alley that connects to a sewer main in North San Pedro Street. The sewer line serves properties owned by St. James Enterprises, L.P., on both sides of Chabolla Alley. The sewer line will be abandoned in place with the proposed vacation and no reservation of easement is required. St. James Enterprises, L.P. has agreed to maintain the existing sanitary sewer line once the subject alley is vacated.

According to the title report issued by First American Title Insurance Company, St. James Enterprises, L.P. is the underlying fee owner of the alley. If Council approves the proposed vacation on December 18, 2012, no further action by the City will be required.

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

November 27, 2012, at 1:30 p.m.: Council considers the adoption of a resolution of intention which:

1. Declares its intention to vacate the Chabolla Alley;
2. Sets a public hearing December 18, 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.

December 18, 2012, at 1:30 p.m.: Council conducts a public hearing and considers a resolution of vacation, which vacates Chabolla Alley.

EVALUATION AND FOLLOW UP

If Council adopts this resolution of intention to vacate Chabolla Alley between North San Pedro Street and Terraine Street, a public hearing will be scheduled for December 18, 2012, at 1:30 p.m. for Council to consider whether it is appropriate to adopt a resolution vacating the subject alley.

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)**

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- 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. This memorandum will be posted to the City's website for the November 27, 2012 Council agenda.

COORDINATION

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

FISCAL/POLICY ALIGNMENT

Vacating the subject alley is in alignment with the Council-approved Budget Strategy Expenditure Control section by eliminating a City maintenance obligation and liability. The City would save approximately \$2,940 per year in pavement maintenance cost alone if the alley is vacated.

COST SUMMARY/ IMPLICATIONS

The Public Works Department has collected cost-recovery fees in 2012-2013 of \$4,612 to process the subject vacation. These fees were deposited into the Public Works Development Services Fee Fund (Fund 001).

CEQA

Exempt, File No. PP12-090.

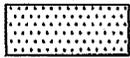
/s/
DAVID SYKES
Director of Public Works

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

Attachment

LOCATION MAP

SHOWING THAT PORTION OF CHABOLLA ALLEY BETWEEN
NORTH SAN PEDRO STREET AND TERRAINE STREET
TO BE VACATED.



AREA TO BE VACATED

