



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Matt Cano

SUBJECT: SEE BELOW

DATE: May 29, 2018

Approved

D. D. SyL

Date

6/7/18

COUNCIL DISTRICT: 1

**SUBJECT: SUMMARY VACATION OF A 5-FOOT WIDE SIDEWALK EASEMENT
AT 1800 SARATOGA AVENUE**

RECOMMENDATION

Conduct a Public Hearing and adopt a resolution:

- (a) Approving the report of the Director of Public Works setting forth the facts justifying the summary vacation of a 5-foot wide sidewalk easement ("SWE") at 1800 Saratoga Avenue;
- (b) Summarily vacating the SWE which has been determined to be excess; and
- (c) Directing the City Clerk to record a certified copy of the resolution of vacation with the Office of the Recorder, County of Santa Clara.

OUTCOME

Upon recordation of the resolution of vacation, the SWE will be extinguished and no longer constitute as a public easement.

BACKGROUND

On June 21, 2016, the City Council adopted a resolution approving a Conditional Use Permit (CP15-014) to allow the demolition of three existing buildings and the construction of a 14,700 square foot commercial building with a drive-through ("Project") at 1800 Saratoga Avenue (Assessor's Parcel No. 386-11-053, formerly 1804 Saratoga Avenue). The project site is located at the southwest corner of Saratoga Avenue and Lawrence Expressway.

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As part of the Project, Farrar Investments, LLC dedicated 7,466 square feet for public right-of-way purposes (Document No. 23835019) to the County of Santa Clara ("County") along the Saratoga Avenue frontage. The dedication will allow the County to construct planned improvements, which is anticipated to start in 2019. The County's planned improvements include widening Saratoga Avenue for a second eastbound left turn lane, traffic signal modifications, and new curb, gutter, and sidewalk along the project frontage. The dedication to the County encompasses the City's 2,232 square foot SWE (Document No. 23670018), which was previously dedicated.

ANALYSIS

Under Section 8306(a) of the California Streets and Highways Code, the SWE constitutes a public service easement. Pursuant to Streets and Highways Code Section 8333(c), a public service easement may be summarily vacated if the easement has been determined to be excess, and there are no other public facilities within the easement that would be affected by the vacation.

Staff has determined that the area proposed for vacation is excess. The dedication to the County for public right-of-way purposes provides the necessary easement for sidewalk improvements along the Saratoga Avenue frontage. The City's SWE is not necessary. In addition, there are no other public facilities within the easement that would be affected by the vacation. Utility companies were not contacted since the area within the SWE will remain as County right-of-way.

According to the title report issued by Chicago Title Insurance Company, Farrar Investments, LLC, a California Limited Liability Company, holds the underlying fee ownership to the area proposed for vacation. If approved, the land will become unencumbered by the SWE upon recordation of the vacation and no further action by the City will be required.

EVALUATION AND FOLLOW-UP

If Council adopts the resolution vacating the SWE at 1800 Saratoga Avenue, no further action by the Council will be required.

PUBLIC OUTREACH/INTEREST

This memorandum will be posted to the City's website for the June 19, 2018, City Council agenda.

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COORDINATION

The vacation has been coordinated with the City Manager's Budget Office. Additionally, the vacation and resolution has been reviewed by the City Attorney's Office.

COMMISSION RECOMMENDATION/INPUT

No commission recommendation or input is associated with this action.

COST SUMMARY/IMPLICATIONS

Staff initiated the proposed vacation in support of the County's planned improvements at the intersection of Saratoga Avenue and Lawrence Expressway and to limit the City's liability; therefore, no fees were collected to process the vacation.

CEQA

Determination of Consistency with the Mitigated Negative Declaration for the CVS/Pharmacy Store #9498, Resolution No. 77850 (C15-008 and CP15-014).

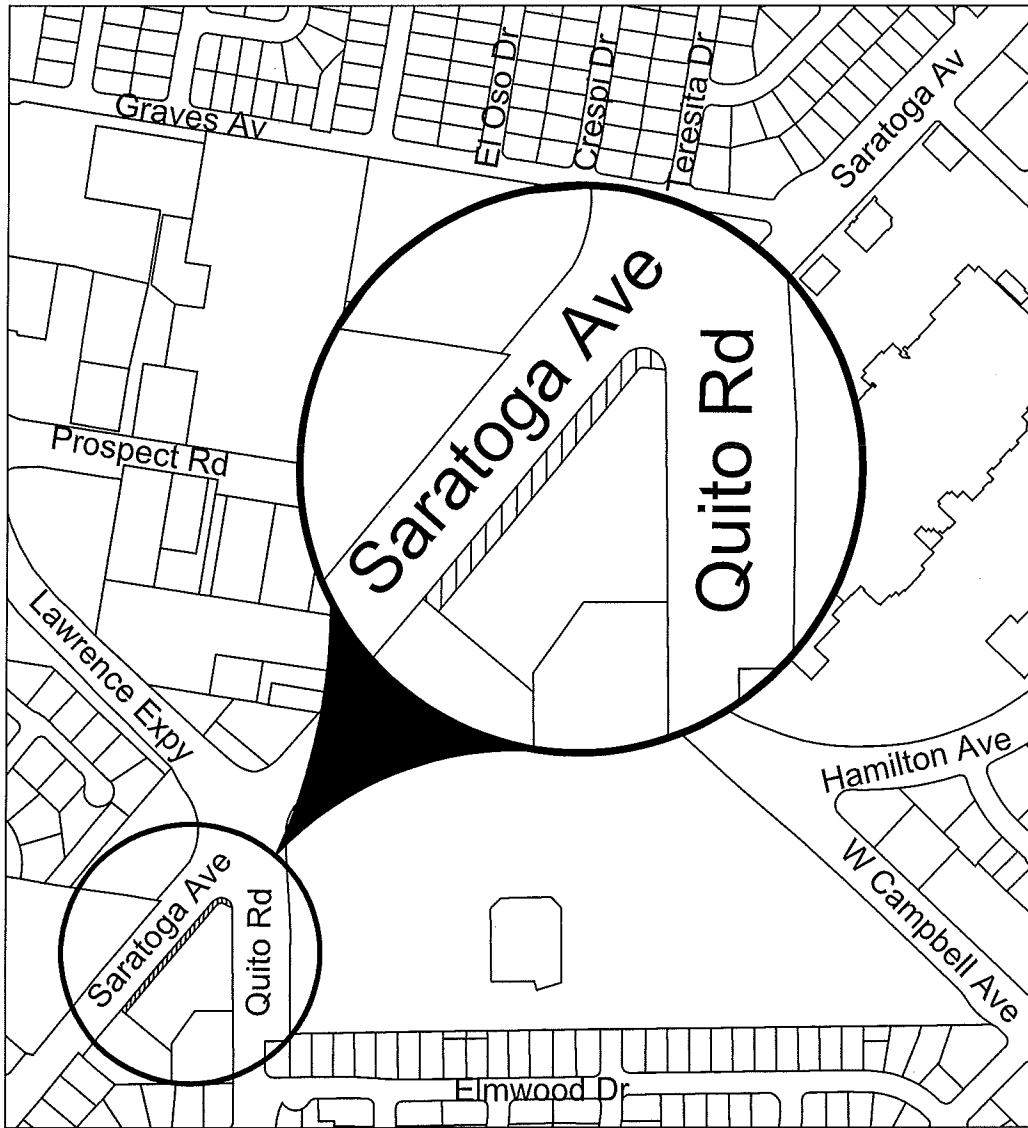
/s/
MATT CANO
Director of Public Works

Attachment: Location Map

For questions, please contact Ryan Do, Division Manager, at (408) 535-6899.

LOCATION MAP

SHOWING THE SUMMARY VACATION OF
A 5-FOOT WIDE SIDEWALK EASEMENT AT 1800 SARATOGA AVE



AREA TO BE VACATED (2,232 SQ. FT)

