



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** Matt Cano

**SUBJECT:** SEE BELOW

**DATE:** April 9, 2019

Approved

D. P. S. L.

Date

4/10/19

**COUNCIL DISTRICT: 7**

**SUBJECT: SUMMARY VACATION OF APPROXIMATELY 400 FEET OF GRANITE ROCK WAY WITH THE RESERVATION OF A PUBLIC SERVICE EASEMENT OVER THE AREA BEING VACATED**

## 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 approximately 400 feet of Granite Rock Way with the reservation of a public service easement over the area being vacated;
- (b) Summarily vacating approximately 400 feet of Granite Rock Way which is a cul de sac that has been determined to no longer be necessary for public street purposes and reserving a public service easement over the area being vacated; 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, approximately 400 feet of Granite Rock Way ("Subject Portion") will be abandoned as a public street and will no longer constitute part of Granite Rock Way. A public service easement over the entire area being vacated will be reserved for existing utilities.

## **BACKGROUND**

Rodney Jenny of Granite Rock Company has submitted an application for the vacation of the Subject Portion (see attached Location Map), all of which were originally created by dedication from Granite Rock Company by a Parcel Map, recorded on November 19, 1979, in Book 454 of maps at Pages 27 and 28.

At the request of Granite Rock Company, the City approved a lot line adjustment (AT17-055) on March 23, 2018, to consolidate three parcels into a single lot to improve their operations. One parcel on the north side and one parcel on the south side of the Subject Portion will remain both of which are owned by Granite Rock Company.

A plan for the construction of a new cul-de-sac is complete and the bonds for the public improvements have been submitted. The new cul-de-sac will encompass areas not within the existing right-of-way. Therefore, the City will need to accept additional property interests as part of this vacation and the construction of the new cul-de-sac. Deeds for additional public right-of-way (necessary to construct the cul-de-sac), a public service easement surrounding the new cul-de-sac, and an Emergency Access Easement within the Subject Portion (required by the Fire Department) are signed and ready to be executed in the event Council approves the vacation.

## **ANALYSIS**

The Subject Portion is 25,702 square feet in size and utilized as a public street. There is an existing 6-inch diameter public sanitary sewer and 18-inch diameter storm sewer in the Subject Portion, both of which continue northwesterly through the Granite Rock Company site. All concerned utility companies have been contacted in writing and have no objections to the proposed vacation provided a public service easement is reserved over the entire area being vacated. If the vacation is approved, staff recommends Council reserve from the vacation a public service easement over the area being vacated for the City's storm and sanitary sewer lines and other public utilities.

Under Section 8334(b) of the California Streets and Highway Code, the City may summarily vacate a "portion of a street... that lies within property under one ownership and that does not continue through such ownership or end touching property of another." As mentioned previously, two parcels abut the Subject Portion and both are owned by the applicant, Granite Rock Company. Staff has determined that the proposed vacation area is no longer needed for public purposes as it does not provide a necessary public thoroughfare and would not impair any property's public street access.

Staff has determined that the vacation of the Subject Portion is in conformance with the adopted San José 2040 General Plan. In compliance with Section 892 of the Streets and Highways Code, staff has determined that the excess portion is not useful as a nonmotorized transportation facility, as these uses are available on neighboring streets and the nature of the cul-de-sac street terminating in private property does not necessitate public nonmotorized transportation facilities.

According to the title reports from First American Title Company, dated October 23, 2018, Granite Rock Company, A California Corporation, holds fee title to the Subject Portion proposed to be vacated.

### **EVALUATION AND FOLLOW-UP**

If Council adopts the resolution summarily vacating the Subject Portion, no further action by Council will be required.

### **PUBLIC OUTREACH**

All concerned utility companies have been contacted in writing and have no objection to the proposed vacation provided that a public service easement is reserved over the entire area being vacated. This memorandum will be posted on the City's website for the April 23, 2019, Council agenda.

### **COORDINATION**

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

### **COMMISSION RECOMMENDATION/INPUT**

No commission recommendation or input is associated with this action.

### **FISCAL/POLICY ALIGNMENT**

Vacating the Subject Portion is in alignment with Council-approved Budget Strategy Expenditure Control section by eliminating a City maintenance obligation and liability.

### **COST SUMMARY/IMPLICATIONS**

The Public Works Department collected cost-recovery fees during fiscal year 2017-2018 of \$7,242 to process the subject vacation. These fees were deposited to the Public Works Development Fee Program in the General Fund.

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**CEQA**

Categorically Exempt, File No. AT17 055, CEQA Guidelines Section 15305, Minor Alterations  
in Land Use Limitation.

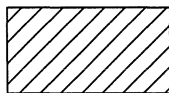
/s/  
MATT CANO  
Director of Public Works

For questions, please contact Matt Loesch, Deputy Director of Public Works, at 408-975-7381.

Attachment: Location Map

# LOCATION MAP

SHOWING THE SUMMARY VACATION OF APPROXIMATELY 400 FEET OF  
GRANITE ROCK WAY WITH THE RESERVATION OF A PUBLIC SERVICE  
EASEMENT OVER THE AREA BEING VACATED



AREA TO BE VACATED (25,702 SQ. FT ±)  
WITH RESERVATION OF A PSE

