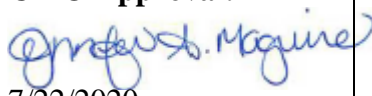


**CITY COUNCIL ACTION REQUEST**

<b>Department(s):</b> Public Works	<b>CEQA:</b> Categorically Exempt, CEQA Guideline Section 15332 Infill	<b>Coordination:</b> CAO, CMO, PBCE, PRNS	<b>Dept. Approval:</b> /s/ Matt Cano
<b>Council District(s):</b> 5	Development Project, File No. H17-041		<b>CMO Approval:</b>  7/22/2020

**SUBJECT: APPROVAL OF AN ORDINANCE DEDICATING ADDITIONAL PUBLIC RIGHT-OF-WAY AS PART OF KNOX AVENUE**

**RECOMMENDATION:**

Approve an ordinance dedicating as public right-of-way approximately 21,799 square feet of City-owned property along the north side of Story Road and accepting the right-of-way into the City's street system as part of Knox Avenue.

**BASIS FOR RECOMMENDATION:**

Knox Avenue is located on the north of Story Road on City-owned property within a portion of Emma Prusch Memorial Park ("Park"). On September 13, 2005, Council adopted Ordinance No. 27538 amending Ordinance 27474 to appropriate moneys in the Parks and Recreation Bond Projects Fund for a City project that included realignment of a portion of Knox Avenue in order to incorporate an adjacent lot as part of the Park's overflow parking ("Project").

The Project constructed the realigned portion of Knox Avenue to a width of approximately thirty-five feet (35') ("Additional ROW Area"), which is less than the forty feet (40') required by the California Streets and Highways Code and the City's standard specifications. However, staff believe that the existing street width is sufficient to accommodate public traffic on Knox Avenue and the expense of constructing additional width is not merited. Section 1805 of the California Streets and Highways Code provides that the width of all city streets shall be at least forty feet (40'), except that Council may determine, by a four-fifths vote, that the public convenience and necessity demand the acquisition, construction and maintenance of a street of less than forty feet (40').

Therefore, staff is recommending that Council find that the public convenience and necessity require that the Additional ROW Area be dedicated only over the existing improvements. Currently, a CALTRANS maintenance yard, a private auto body shop and future public storage utilize the Additional ROW Area for access to their properties. Dedication of the Additional ROW Area as public right-of-way will maintain public access to these properties.

Climate Smart San Jose:

The recommendation in this memo aligns with one or more Climate Smart San José energy, water, or mobility goals.

Commission Recommendation/Input:

No commission recommendation or input is associated with this action.

**COST AND FUNDING SOURCE:**

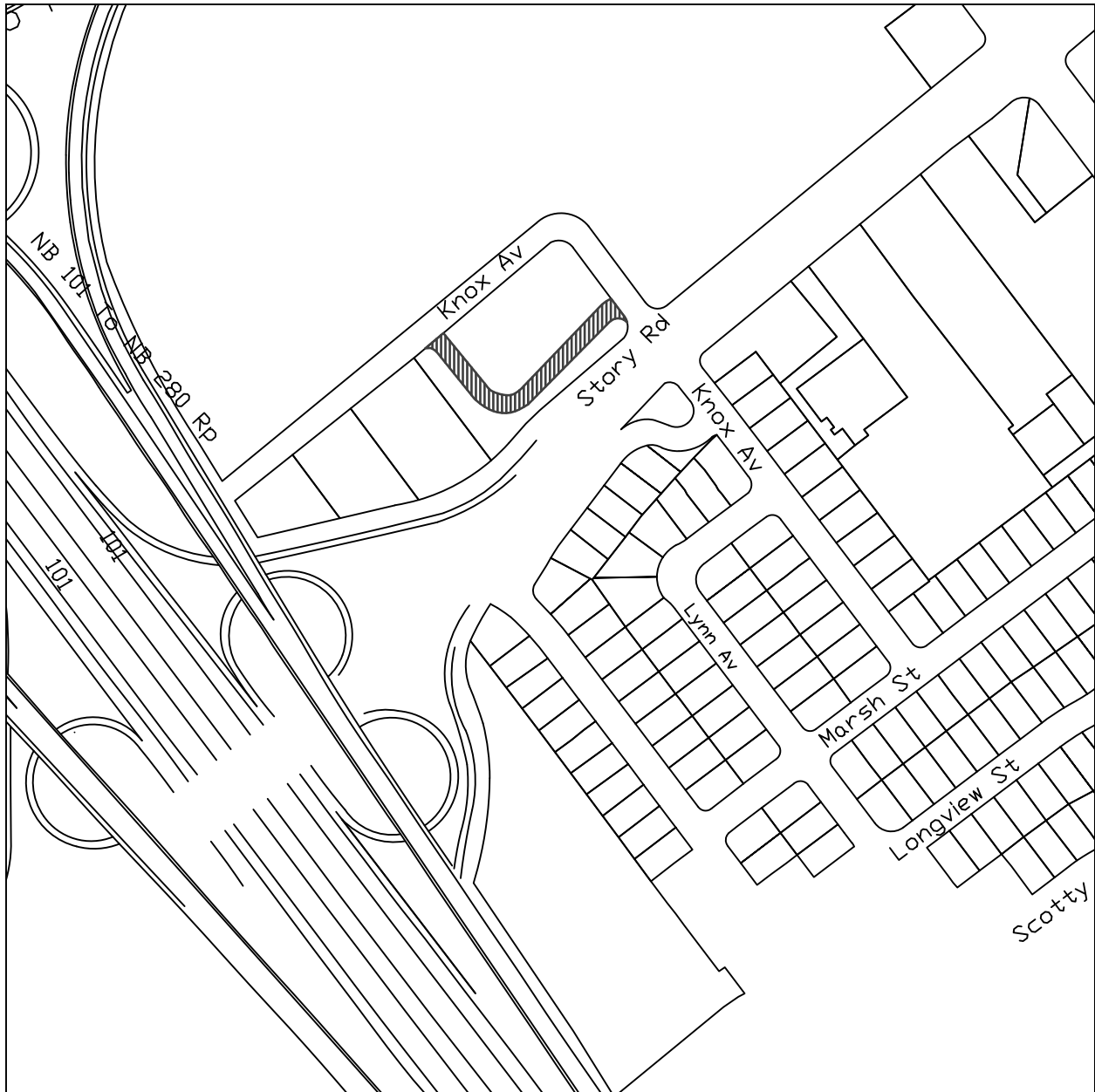
There is no purchase cost to the City establishing City-owned property as part of the public right-of-way. Once accepted into the City's street system, the City will be responsible for maintenance of the Additional ROW Area.

**FOR QUESTIONS CONTACT:** Ryan Do, Division Manager, (408) 535-6899

Attachments – Map, Plat & Legal Description

# LOCATION MAP

SHOWING THAT PORTION OF CITY OWNER PROPERTY ALONG  
KNOX AVENUE TO BE DEDICATED AS RIGHT-OF-WAY



AREA TO BE DEDICATED

