



**DATE:** April 14, 2020

**CATEGORY:** Consent

**DEPT.:** Public Works

**TITLE:** **Notice of Intention to Vacate Public Easements at 355, 365, 401, and 415 East Middlefield Road**

### **RECOMMENDATION**

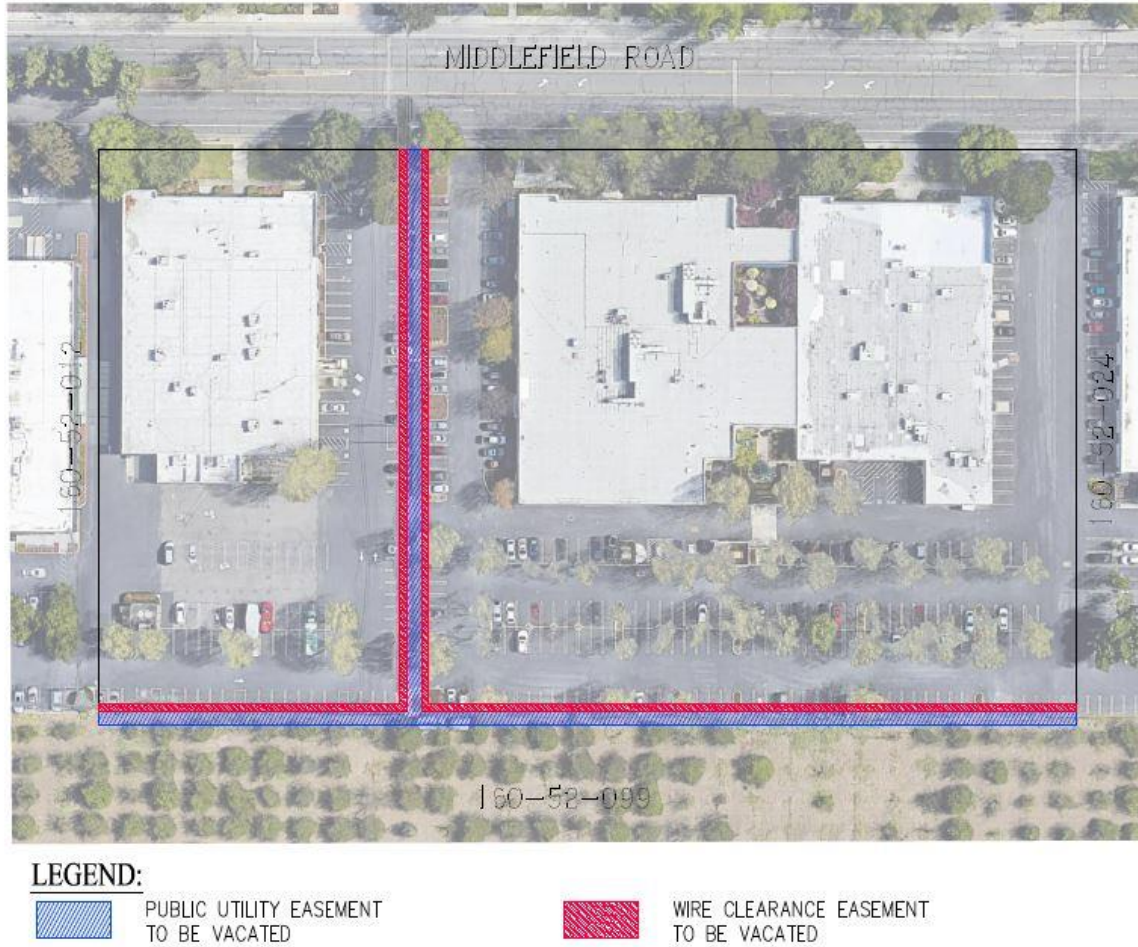
Adopt a Resolution of Intention to Vacate Public Easements at 355, 365, 401, and 415 East Middlefield Road, to be read in title only, further reading waived (Attachment 1 to the Council report), and set a date for a public hearing to consider the vacation for May 5, 2020.

### **BACKGROUND**

On February 25, 2020, the City Council adopted a Resolution of Intention to Vacate Public Easements at 355, 365, 401, and 415 East Middlefield Road and set March 17, 2020 as a public hearing date to consider the vacation. The public hearing scheduled for March 17, 2020 was canceled due to the Coronavirus Pandemic (COVID-19) shelter-in-place order issued by the County of Santa Clara Health Officer on March 16, 2020. It is necessary for the Council to adopt a new resolution indicating an intention to vacate the public easements and setting May 5, 2020 as the new public hearing date.

On May 5, 2020, the City Council will consider a Planned Community Permit, Development Review Permit, and a Vesting Tentative Map by the applicant, SummerHill Homes, to construct two 7-story multi-family buildings and three 3-story townhomes with 460 new residential units and to dedicate a new 0.38-acre public park. The applicant has requested the City vacate the existing public utility easement and wire clearance easement on the two parcels to accommodate the project (see Figure 1). The easements were established in 1960 per a recorded document in Book 4675, Page 157, Santa Clara County Records. The existing overhead electric and related utilities within the easements are proposed to either be removed or placed underground as part of this project. The proposed Vesting Tentative Map would dedicate new public service easements as necessary.

**Figure 1: Existing Public Easements**



## **ANALYSIS**

Pursuant to Section 8320(b)(2) of the Streets and Highways Code, to allow for the possibility of Council approving the easement vacation on May 5, 2020, Council must adopt a Resolution of Intention to vacate the public easements and set a date for the public hearing to consider the vacation. The recommended actions accomplish this requirement but do not obligate Council to approve the vacation or the proposed development. Council will continue to have full latitude to consider the proposed development and vacations at its May 5, 2020 meeting.

## **FISCAL IMPACT**

There is no fiscal impact associated with the setting of the hearing date. The applicant has paid the necessary fees to the City to process this request.

## **ALTERNATIVES**

1. Determine not to move forward with the easement vacation proceedings.
2. Designate an alternate date for the public hearing to consider adoption of a resolution to vacate, with that date being not less than fifteen (15) days from the date of this Council meeting.

## **PUBLIC NOTICING**

Agenda posting. In accordance with Sections 8322 and 8323 of the Streets and Highways Code, notices of the Resolution of Intention will be posted along the easements to be vacated and published in the newspaper.

Prepared by:

Renee Gunn  
Senior Civil Engineer

Reviewed by:

Quynh Byrer  
Principal Civil Engineer (Acting)

Approved by:

Dawn S. Cameron  
Public Works Director

Audrey Seymour Ramberg  
Assistant City Manager/  
Chief Operating Officer

RG/CL/6/CAM/926-04-14-20CR/200221

Attachment: 1. Resolution

cc: SummerHill Homes  
777 South California Avenue  
Palo Alto, CA 94304

ZA, APWD – Arango, PCE – Byrer, PCE – Shah, SP – Roche, File (355 West Middlefield), SC/T, [cmvgis@mountainview.gov](mailto:cmvgis@mountainview.gov)