



DATE: June 10, 2014

CATEGORY: Consent

DEPT.: Public Works

TITLE: **Resolution to Summarily Vacate Public Utility Easements at 2591 Garcia Avenue, 2632 Marine Way, and 2660 Marine Way**

RECOMMENDATION

Adopt a Resolution Ordering the Summary Vacation of Public Utility Easements at 2591 Garcia Avenue, 2632 Marine Way, and 2660 Marine Way (APN 116-02-021, 116-02-067, and 116-02-075), to be read in title only, further reading waived (Attachment 1 to the Council report).

BACKGROUND

The 1963 Coast-Casey Assessment District improvements included Frontage Road (now Bayshore Parkway), Garcia Avenue, Marine Way, Coast Avenue, Casey Avenue, Broderick Way, Terminal Boulevard, and the Coast-Casey drainage channel. As part of the Assessment District, utility easements were dedicated to the City by Coastwise Construction Company on properties (now owned by Intuit, Inc.) located on Garcia Avenue, Marine Way, and Coast Avenue for the new levees along the Coast-Casey channel and overhead utilities built adjacent to the channel.

Since that time, the Coast-Casey channel was replaced with a box culvert in approximately the same location and the overhead utilities have been removed and relocated by the utility companies. Though the easements were not vacated when the utilities were removed, they are no longer needed. The easements and affected parcels include:

Address	APN	General Utility Easement Document	Limited Utility Easement Document
2591 Garcia Avenue	116-02-021	6062 OR 599	6275 OR 257*
2632 Marine Way	116-02-067	6062 OR 603*	6275 OR 257*
2660 Marine Way	116-02-075	6062 OR 603*, 6062 OR 585	6275 OR 257*
* Portions of 6062 OR 603 and 6275 OR 257 extend beyond the scope of this proposed abandonment; therefore, only portions of those easements are proposed for abandonment.			

ANALYSIS

Intuit, Inc., the owner of the properties, has requested the City vacate the unused easements located over three of their properties at 2591 Garcia Avenue, 2632 Marine Way, and 2660 Marine Way (APN 116-02-021, 116-02-067, and 116-02-075) to make way for their proposed campus expansion. The easements infringe on their proposed expansion area and reduce the buildable area over the three properties.

Staff has reviewed the vacation request and has confirmed that no City utilities exist in these easements, and PG&E, AT&T, and Comcast have confirmed that they have no services in the easements. Staff does not foresee a future use for these easements by the City. If the recommended vacations are approved, the City would continue to retain the existing 25' storm drain easement and 20' public utility easement that contain the Coast-Casey storm drain.

In accordance with the Streets and Highways Code, if the City wishes to give up rights in a utility easement dedicated to the City over property that the City does not own, the easements are to be vacated, and all property rights returned to the underlying property owner. If the easements have not been used for their intended purpose for five consecutive years immediately preceding the proposed vacation, a "summary vacation" may be ordered by the City.

Because there has been no use for more than five years and staff does not envision a future use for these easements, it is recommended that a summary vacation of the easements dedicated in documents 6062 OR 585, 6062 OR 599, portions of 6062 OR 603, and portions of 6275 OR 257 as described in Exhibits A through D be ordered by the City Council.

FISCAL IMPACT – None.

ALTERNATIVES

1. Retain the easements and do not approve the vacation.
2. Provide other direction.

PUBLIC NOTICING – Agenda posting and copy of the report to property owners.

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City Manager

RG-EA/9/CAM
926-06-10-14CR-E

- Attachments:
1. Resolution
 2. Map of Proposed Abandonments
 3. Exhibit A – Document 6062 OR 585
 4. Exhibit B – Document 6062 OR 599
 5. Exhibit C – Plat and Legal Descriptions for Portions of Document 6062 OR 603
 6. Exhibit D – Plat and Legal Descriptions for Portions of Document 6275 OR 257