DATE:	October 23, 2018
CATEGORY:	Consent
DEPT.:	Public Works
TITLE:	**Notice of Intention to Vacate Public Service Easements at 700 and 800 East Middlefield Road and 1100 Maude Avenue**

RECOMMENDATION

Adopt a Resolution of Intention to Vacate Public Service Easements at 700 and 800 East Middlefield Road and 1100 Maude Avenue, 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 November 27, 2018.

BACKGROUND

On November 27, 2018, the City Council will consider a Planned Community Permit to construct three 6-story office buildings, two 6-level parking structures, and retain three 2-story office buildings, resulting in 1.08 million square feet of office at a 28.7-acre office campus.

The applicant, LinkedIn Corporation, has requested the City vacate Public Service Easements on-site to accommodate the new site design. The easements were established in 1984 on a parcel map. All existing public utilities within the easements will be relocated to a new Public Utility Easement, so the easements recommended for vacation will no longer be needed. The project boundary and existing easements to be vacated are shown on Figure 1.
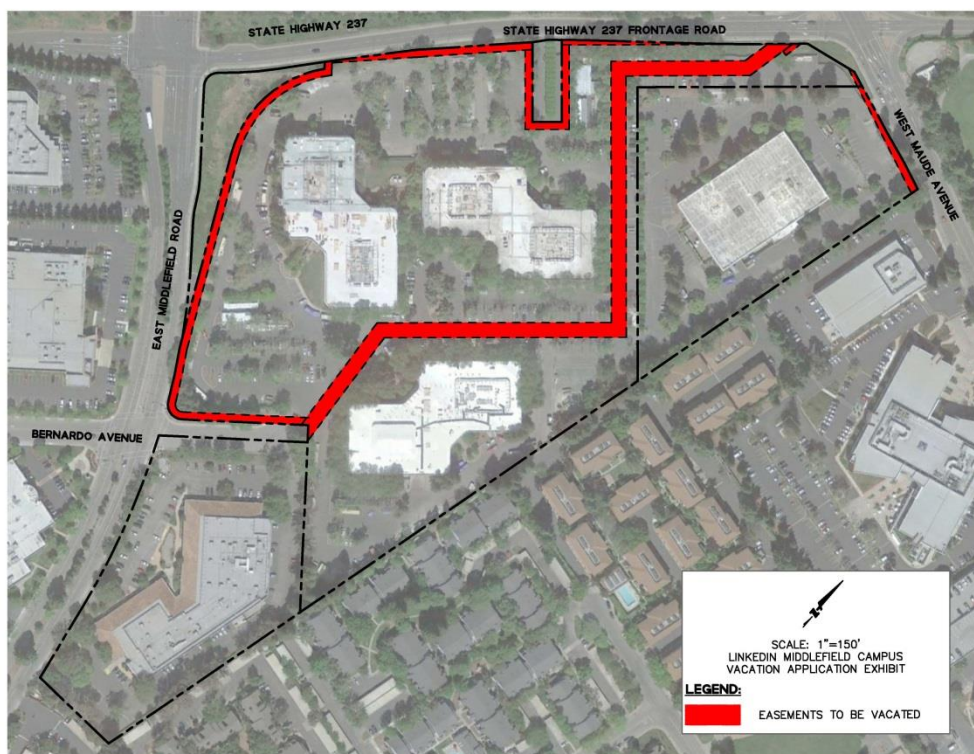
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Figure 1
Project Boundary, Easements to Be Vacated, Easements to Remain

ANALYSIS

Pursuant to Section 8320(b)(2) of the Streets and Highways Code, for Council to consider approving the easement vacation on November 27, 2018, Council must adopt a Resolution of Intention to vacate the public easements and set a date for a public hearing. The recommended actions accomplish this requirement but do not obligate Council to approve the vacation or the proposed development.

FISCAL IMPACT

When the City plans to vacate easements as part of a private development process, staff evaluates whether the City has assets in the easement and if there is any value created to the developer by the vacation. In making this determination, staff considers: (1) Does the City have an exclusive easement interest or is the easement for the benefit of others as well?; (2) Did the City pay compensation to the current or former owner of the property for the easement rights?; and (3) If either or both of the former are in the

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affirmative, does the vacation of the easement create additional value to the development?

In this case, the easement to be vacated is a nonexclusive easement that is also for the benefit of third parties. The easement was very likely created with the filing of an earlier map, with no compensation by the City. Additionally, new easements will be dedicated on the parcel map for new utilities and the applicant will relocate the existing utilities at their cost. Staff, therefore, recommends that no compensation be sought from the developer as the City does not have a compensable interest in the easement.

ALTERNATIVES

1.   Determine not to move forward with the easement vacation proceedings.

2.   Seek compensation from the developer for vacation of the easements.

3.   Designate an alternate date for the public hearing to consider adoption of a Resolution to Vacate, with that date being not less than 15 days from the date of this Council meeting.

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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 public service easement to be vacated and published in the newspaper.

Prepared by: Approved by:

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RG/CL/2/CAM
946-10-23-18CR-2

Attachment: 1.   Resolution

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