TO: HONORABLE CITY COUNCIL

FROM: CITY MANAGER

DEPARTMENT: ADMINISTRATIVE SERVICES

DATE: MAY 16, 2005

CMR: 219:05

SUBJECT: SUMMARY VACATION OF A PORTION OF THE ROADWAY EASEMENT ALONG THE FRONT OF 548 PALO ALTO AVENUE AND THE REAR OF 133 COWPER STREET.

RECOMMENDATION

Staff recommends that Council adopt the attached Resolution Ordering the Summary Vacation of a 346 square foot portion of the public right-of-way located along the front of 548 Palo Alto Avenue and the rear of 133 Cowper Street Palo Alto.

DISCUSSION

The two owners of the properties located at 548 Palo Alto Avenue and 133 Cowper Street, respectively, have requested that the City vacate a portion of the roadway easement located along the front of 548 Palo Alto Avenue and the rear of 133 Cowper Street (see Attachment A). The street easement for this portion of Palo Alto Avenue was dedicated to the City by subdivision map in 1894 and accepted by the Palo Alto Township in ordinance 178 on October 7, 1907. This portion of the street easement was never paved or otherwise improved or used for street purposes and has always been maintained by the adjacent property owners. Maintenance and repair of a street tree and the sidewalk, which are not in the proposed area to be vacated, will continue to be the City's responsibility. The total area proposed to be vacated is 346 square feet; 131 square feet is adjacent to and will be used and maintained by the property owner of 548 Palo Alto Avenue and 215 square feet is adjacent to and will be used and maintained by the property owner of 133 Cowper Street. The area to be vacated will lie within the 20-foot front and rear setbacks of the respective properties, which is limited to use for landscaping, fences or driveway.

As this easement has never been improved or used as part of the public street and there is no plan or need to do so in the future, this portion of the street easement constitutes excess right-of-way, which may be summarily vacated in accordance with Section 8334 of the California Streets and Highways Code. This portion of the right-of-way would not be useful as a non-motorized transportation facility because of its size and irregular shape and it is wider than the rest of the street and therefore could not be connected with any bike lane or other path that might be placed along Palo Alto Avenue. Staff has notified the City Utilities, Public Works, and Planning Departments and Southern Pacific Bell (SBC) of the proposal to vacate the street right-of-way, and all concur with the vacation. All affected departments and SBC reported there were no
utilities located within the easement. Accordingly, there is no need to reserve an easement for public facilities.

**RESOURCE IMPACT**
The easement vacation-processing fee of $1,200, as set forth in the Municipal Fee Schedule, has been paid by the property owners.

**POLICY IMPLICATIONS**
The recommendation does not represent any change to City policies and the Planning Department has determined the vacation of this portion of Palo Avenue is in conformance with the comprehensive plan.

**ENVIRONMENTAL REVIEW**
Summary vacation of the excess right-of-way is exempt from review under the California Environmental Act pursuant to Title 14 California Code of Regulations Section 15305 as a minor alteration in land use limitations.

PREPARED BY: ____________________________
JAMES D. KIEHL
Public Works Surveyor

DEPARTMENT HEAD APPROVAL: ____________________________
CARL YEATS
Director, Administrative Services

CITY MANAGER APPROVAL: ____________________________
EMILY HARRISON
Assistant City Manager

**ATTACHMENTS**
Attachment A: Map
Attachment B: Resolution Vacating Roadway Easement at the rear of 534 and 133 Cowper, and the side of 548 Palo Alto Avenue, Palo Alto

cc: Property Owner, David R. Cheriton 534 Palo Alto Avenue and 133 Cowper Street
Property Owner, Frank and Shirley Mills, 548 Palo Alto Avenue