



PUBLIC WORKS DEPARTMENT

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CITY COUNCIL STAFF REPORT

Meeting: February 1, 2022

Subject

Consideration of Notice of Intent to Vacate a Public Pedestrian Walkway Easement through Tract 9405 (Campo De Lozano.)

Recommended Action

- 1) Consider adopting Resolution No. 22-xxx (Attachment A) to notice the public of the intent to vacate a public pedestrian walkway easement through Tract 9405, and to set a public hearing on March 1 at 6:45 p.m.
- 2) Consider the option of reducing City of Cupertino collected fees, established by the adopted fee schedule, for the action.

Discussion

The Campo De Lozano subdivision, located near 20138 Rodrigues Avenue, was subdivided, and developed around 2002. During the entitlement process, the City requested that the original developer offer to grant the City a 10-foot-wide pedestrian pathway easement through the property, from Rodrigues Avenue to Regnart Creek Trail, to facilitate connectivity from the public right of way to the trail (Attachment B.) When the property was developed, the Regnart Creek Trail was situated along the southerly boundary line of the Campo De Lozano subdivision and stretched from the westerly property line of the subdivision, eastward, to the westerly boundary of De Palma Lane, where it connected to publicly accessible sidewalks. The 10-foot-wide pedestrian pathway easement provided this section of trail with a second point of connectivity to the public right of way, ensuring that pedestrian access not simply end at the westerly end of the trail.

In 2020, the City approved construction of further portions of the Regnart Creek Trail, including an extension of the trail, westerly, from the Campo De Lozano subdivision to Rodrigues Avenue and the Civic Center property. This extension creates an additional point of connectivity to Rodrigues Avenue, approximately 600-feet west of the Campo De Lozano subdivision.

The Campo De Lozano Homeowner's Association (HOA) has requested that the City now vacate the existing 10-foot-wide pedestrian pathway easement that runs through

their subdivision, since the extension of the Regnart Creek trail will provide other connectivity options to the west. Further, the residents of the subdivision have concerns regarding the security of their property related to the existing pedestrian walkway and the expansion of public use of the Regnart Creek Trail. If the City vacates the pedestrian pathway easement, the HOA intends to fence off the pedestrian pathway that runs through their property to restrict public access through the area, which could require some trail users to utilize public sidewalks as alternative pathways.

Staff is requesting that the City Council consider adopting a resolution noticing intent to vacate the easement and setting a public hearing on March 1, to vacate the easement or recommend denial of the vacation application. City Council may also consider whether they want to waive or reduce the standard vacation fee, as established by the approved fee schedule, which is used to cover time and materials spent by the City to initiate vacation proceedings.

The easement vacation process would follow the California Streets and Highways Code.

Sustainability Impact

Goal two in the Cupertino Climate Action Plan is to encourage alternative transportation. Supporting measure C-T-1 is to continue to encourage multi-modal transportation, including walking and biking, through safety and comfort enhancements in the bicycle and pedestrian environment.

Fiscal Impact

The permit application fee for an easement vacation of this type is \$4,368 and budgeted in 100-82-804 700-702 page 477 of the final budget document.

Prepared by: Chad Mosley, Assistant Director of Public Works, and City Engineer

Reviewed by: Dianne Thompson, Assistant City Manager

Approved for Submission by: Jim Throop, City Manager

Attachments:

A – Draft Resolution

B – Aerial Exhibit