



## **PUBLIC WORKS DEPARTMENT**

CITY HALL  
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### **CITY COUNCIL STAFF REPORT**

Meeting: May 17, 2022

#### Subject

Consider acceptance of Offers of Dedication and a Waiver of Future Reimbursement from the property owners at 10155, 10165, and 10420 Orange Avenue, related to the Orange Avenue Sidewalk Improvements Project.

#### Recommended Action

Adopt Resolution No. \_\_\_\_ (Attachment A) accepting the Offers of Dedication and Waiver of Future Reimbursement from the property owners at 10155, 10165, and 10420 Orange Avenue, related to the Orange Avenue Sidewalk Improvements Project.

#### Discussion

The Orange Avenue Sidewalk Improvements project will install sidewalks along Orange Avenue between McClellan Road and Stevens Creek Boulevard. This corridor is a school route that currently involves students travelling on the asphalt roadway. Sidewalks will create a safe route to the schools. During the design of the project, the need for additional right-of-way was identified in four locations. Three property owners have donated property rights for the construction of the sidewalk improvements in exchange for a waiver of future reimbursement for City of Cupertino funded public improvements.

The one remaining property owner has declined to donate the necessary property rights. At that location, the sidewalk will be discontinuous until such time as the property owner submits a development application. When that occurs, the development will be conditioned to dedicate the necessary right-of-way and construct full public improvements at no cost to the City. Section 14.04.110 of the City of Cupertino Municipal Code provides that when the City of Cupertino, or another property owner installs public improvements that benefit a property, the owner of the benefitted property is required to reimburse the City for its reasonable share of the costs of such improvements when the benefitted property owner seeks a land use entitlement from the City. However, if a property owner dedicates necessary right-of-way to the City without charge, the City may enter into an agreement with the owner to waive future reimbursement requirements.

#### Sustainability Impact

Acceptance of the land dedications will allow the sidewalk improvements project to be constructed. This project will encourage walking by providing a safe path of travel, which is consistent with the Mobility Element of the General Plan, Goal M-3 ("Support a Safe Pedestrian and Bicycle Network for People of All Ages and Abilities,") and Climate Action Plan (2014) Goal 2, Alternative Transportation.

Fiscal Impact

By authorizing these donations, the City will receive approximately 1008 square feet of land. No additional funding is required.

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Prepared by: John Raaymakers, Project Manager

Reviewed by: Matt Morley, Director of Public Works

Reviewed by: Dianne Thompson, Assistant City Manager

Approved for Submission by: Jim Throop, City Manager

Attachments:

A – Draft Resolution

B – Signed Agreement