



**PUBLIC WORKS DEPARTMENT**

CITY HALL

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**CITY COUNCIL STAFF REPORT**

Meeting: February 20, 2018

Subject:

Accept offer of dedication and waiver of future reimbursement related to the McClellan Road Sidewalk Improvements - Phase 2 Project.

Recommended Action:

Adopt a draft resolution accepting the offer of dedication and waiver of future reimbursement from four property owners for the construction of the McClellan Road Sidewalk Improvements - Phase 2 Project.

Description:

Section 14.04.110 of the City of Cupertino Municipal Code provides that when the City or another property owner installs public improvements that benefit a property, the owner of the benefitted property is required to reimburse the City or the property owner 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.

Discussion:

The McClellan Road Sidewalk Improvements - Phase 2 project will install sidewalks along McClellan Road between Byrne and San Leandro Avenues. During the design of the project the need for additional right-of-way was identified in 7 locations. Beginning in February 2017, staff began discussions with abutting property owners to obtain the necessary right-of-way dedication. Four property owners have donated property rights for the construction of the sidewalk improvements in exchange for a waiver of future reimbursement for City funded public improvements. The three remaining property owners have declined to donate the necessary property rights. In these locations the sidewalk will be discontinuous until such time as the property owners submit 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.

With the adoption of this resolution staff can complete the design of the project and the relocation of utilities in advance of the scheduled June 2018 start of construction.

### 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 and 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").

### Fiscal Impact

Approval of this resolution results in no additional fiscal impact.

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Prepared by: Michael Zimmermann, CIP Manager

Reviewed by: Timm Borden, Director of Public Works Department

Approved for Submission by: David Brandt, City Manager

Attachments:

A - Draft Resolution