



PUBLIC WORKS DEPARTMENT

CITY HALL

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CITY COUNCIL STAFF REPORT

Meeting: April 3, 2018

Subject

Notice of Intent to Vacate an Easement for Drainage and Incidental Purposes, at 22445 and 22449 Cupertino Road.

Recommended Action

Adopt Resolution No. 18-_____” to notice the public of the intent to vacate an Easement for Drainage and Incidental Purposes, at 22445 and 22449 Cupertino Road, and set a public hearing on May 1, 2018 at 6:45p.m.

Discussion

The Sunny View Retirement Community property, located at 22445 and 22449 Cupertino Road, is situated within a small watershed basin between Hillcrest Rd and Foothill Blvd. Existing public drainage facilities are located along the trough of this basin and convey water from the Sunny View Retirement Community property, as well as from Cupertino Road, through the site. These drainage facilities were sized to meet the City’s standards for storm water conveyance at the time. However, underground drainage facilities are typically designed to accommodate storms of limited intensity and duration, which results in the need to provide facilities that allow storm water to flow overland in storm events that surpass the underground system’s capacity. Due to modifications that have been made onsite, including ADA compliance improvements, the ability of the site to convey storm drainage that exceeds the underground pipe systems capacity has been hindered. This has resulted in some of the onsite structures having experienced flood damage in recent large rain events, which has caused the property owners and residents of the retirement community considerable hardship and expense.

The City has increased its underground storm drainage conveyance capacities in the area in order to further minimize occurrences of overland flow, but it is also essential for overland flow capabilities to be addressed onsite.

Therefore, Sunny View Retirement Community has submitted an application to improve onsite drainage facilities in order to reduce the potential for onsite flooding of their buildings. The improvement plans have been reviewed and approved by the City. These proposed improvements extend beyond the limits of the current storm drainage easement. Instead of recording a second easement that adds these areas which

extend beyond the limits of the existing easement, both the owner and City staff believe it is more efficient to vacate the existing easement and to then grant a new easement that incorporates both the existing and proposed storm drainage facilities.

City staff will ensure that the existing drainage easement is vacated in conjunction with the recordation of the new storm drainage easement.

Actions for the vacation of the subject easement are:

1. April 3, 2018 at 6:45 p.m.: City Council considers adopting a resolution with the intent to vacate the roadway easement which:
 - a. Declares its intention to vacate the subject easement at 22445 and 22449 Cupertino Road;
 - b. Sets a public hearing on May 1, 2018 at 6:45 p.m. to adopt said vacation;
 - c. Directs the City Clerk to post a certified copy of the resolution along the line of said property and to publish a certified copy of the resolution in the manner prescribed by law.
2. May 1, 2018 at 6:45 p.m.: the City Council will conduct a public hearing to consider a resolution to adopt the vacation, which vacates the subject easement at 22445 and 22449 Cupertino Road.

Staff has determined that adoption of the resolution declaring its intention to order vacation of a drainage easement at 22445 and 22449 Cupertino Road can occur without adverse affect.

Fiscal Impact

No fiscal impact incurred for the notice of intent to vacate.

Sustainability Impact

None.

Prepared by: Chad Mosley, City Engineer

Reviewed by: Timm Borden, Director of Public Works

Approved for Submission by: David Brandt, City Manager

Attachments:

A – Draft Resolution

B – Vacation of Drainage Easement Exhibit

C – Grant of Drainage Easement Exhibit