



PUBLIC WORKS DEPARTMENT

CITY HALL

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CITY COUNCIL STAFF REPORT

Meeting: May 1, 2018

Subject

Vacate an Easement for Drainage and Incidental Purposes, at 22445 and 22449 Cupertino Road.

Recommended Action

Conduct a public hearing and adopt Resolution No. 18-XXX, "A Resolution of the City Council of the City of Cupertino declaring its intention to order vacation of an easement for storm drainage and incidental purposes as provided in section 8320 et seq. of the streets and highways code of the state of California, fixing time and place for public hearing and providing for notice thereof", to vacate an Easement for Drainage and Incidental Purposes, at 22445 and 22449 Cupertino Road.

Discussion

The Sunny View Retirement Community property, located at 22445 and 22449 Cupertino Road, is situated within a small watershed basin between Hillcrest Road 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.

The City has made improvements to increase 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 and transparent to vacate the existing easement and to grant a new easement that incorporates both the existing and proposed storm drainage facilities.

The California Streets and Highways Code requires a two-step process for vacation of a public easement. On April 3rd, 2018, the City Council conducted the first step by adopting a resolution declaring the intention to vacate an Easement for Drainage and Incidental Purposes, at 22445 and 22449 Cupertino Road and setting this public hearing for May1, 2018. Now, City Council must conduct the second step which is to hold the public hearing and adopt a resolution for the vacation.

The City intends to record the easement vacation and the new grant of drainage easement in subsequent order to ensure ongoing drainage rights to the public (Please refer to Attachments A and B – Vacation of Drainage Easement Exhibit and Grant of Drainage Easement Exhibit).

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 (by separate document)