



PUBLIC WORKS DEPARTMENT

CITY HALL

10300 TORRE AVENUE • CUPERTINO, CA 95014-3255

TELEPHONE: (408) 777-3354 www.cupertino.org

CITY COUNCIL STAFF REPORT

Meeting: November 5, 2018

Subject

Notice of Intent to Vacate an Easement for Storm Drain Retention Basin Purposes located on 23500 Cristo Rey Drive

Recommended Action

Adopt Resolution No. 18-XXX (Attachment C) declaring the City Council's intent to vacate an easement for storm drain retention basin purposes located on 23500 Cristo Rey Drive, setting a public hearing on December 4, 2018, at 6:45 p.m., and providing for public notice thereof

Discussion

On April 17, 2018, the City Council approved the Development Permit DP-2017-01 to allow additions and renovations to the existing facilities, a new memory care building, and 23 new independent living units, submitted by the Forum at Rancho San Antonio (Applicant).

A portion of the proposed memory care building will encroach upon an existing storm drain retention basin easement (Existing Easement) for a retention pond. The purpose of the retention pond is to temporarily capture and store storm water runoff for major storm events. The Applicant submitted a request to vacate the existing easement, reconstruct the retention system to ensure adequate storage capacity, and record a new storm drain retention basin easement (Attachment B).

In order to ensure a clean title is conveyed, staff recommends vacating the entire existing easement, and concurrently recording the new easement. The City intends to record both documents, the existing easement vacation and the new easement dedication, in subsequent order. See Attachment A for the location of the existing and new easement areas.

The project's civil engineer has performed the necessary hydraulic calculations to ensure the New Easement area has sufficient capacity to detain a 100-year storm event.

Actions for the vacation of the subject easement are:

1. November 5, 2018 at 6:45 p.m.: City Council considers adopting a resolution with the intent to vacate an easement for Storm Drain Retention Basin Purposes which:
 - a. Declares its intention to vacate the subject storm drain retention basin easement;
 - b. Sets a public hearing on December 4, 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. December 4, 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 storm drain retention basin easement.

Staff has determined that adoption of the resolution declaring its intention to order vacation of a storm drain retention basin easement can occur without adverse effect.

Sustainability Impact

No sustainability impact.

Fiscal Impact

No fiscal impact.

Prepared by: Winnie Pagan, Senior Civil Engineer

Reviewed by: Timm Borden, Director of Public Works

Approved for Submission by: Amy Chan, Interim City Manager

Attachments:

A – Storm Drain Retention Basin Easement Area

B – New Storm Drain Easement

C - Draft Resolution