



## PUBLIC WORKS DEPARTMENT

CITY HALL  
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255  
TELEPHONE: (408) 777-3354 • FAX: (408) 777-3333  
CUPERTINO.ORG

### CITY COUNCIL STAFF REPORT

Meeting: August 6, 2019

#### Subject

Accept offer of dedication and waiver of future reimbursement at 10475 Byrne Avenue related to the Byrne Avenue Sidewalk Improvements Project.

#### Recommended Action

Adopt Resolution No. \_\_\_\_\_ accepting the offer of dedication at 10475 Byrne Avenue and waiver of future reimbursement from the property owner for the construction of the Byrne Avenue Sidewalk Improvement Project.

#### Discussion

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.

The Byrne Avenue Sidewalk Improvement project will install sidewalks along Byrne Avenue between McClellan Road and Granada Avenue. During the design of the project the need for additional right-of-way was identified in six locations. Beginning in March 2018, staff began discussions with property owners to obtain the necessary right-of-way dedications.

One property owner has donated property rights for the construction of the sidewalk improvements in exchange for a waiver of future reimbursement for City-funded public improvements.

Four property owners have declined to donate the necessary property rights and one property owner was unresponsive to City outreach efforts.

At three of the four locations where owners declined to donate property, the sidewalk will be discontinuous until such time as the property owners submit a development application. At one critical location the sidewalk was redesigned to not impact the adjoining private property, but this location would be reconstructed to improve

alignment with adjacent walking routes when development occurs in the future. When future development occurs on these private properties, the owners will be required to dedicate the necessary right-of-way and construct full public improvements at no cost to the City.

With the adoption of this resolution construction of the improvements can move forward.

Sustainability Impact

Acceptance of the land dedication 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.

---

Prepared by: Michael Zimmermann, CIP Manager

Reviewed by: Roger Lee, Director of Public Works Department

Approved for Submission by: Deborah Feng, City Manager

Attachments:

A – Draft Resolution