



PUBLIC WORKS DEPARTMENT

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CITY COUNCIL STAFF REPORT

Meeting: 10/15/2019

Subject

Consider a Linda Vista Trail Donation Agreement for donation of property (APN 356-05-005) located between McClellan Road and Linda Vista Park, along the easterly boundary of Deep Cliff Golf Course. No additional budget allocation needed.

Recommended Action

Authorize the City Manager to execute an Agreement for Donation of Real Estate with Richard Lowenthal and Ellen Lowenthal for the Linda Vista Trail property (APN 356-05-005) located between McClellan Road and Linda Vista Park, along the easterly boundary of Deep Cliff Golf Course, and any subsequent documents necessary to acquire the property, consistent with the Agreement.

Discussion

The old haul road parcel that is situated between McClellan Road and Linda Vista Park, along the easterly boundary of Deep Cliff Golf Course, was recently acquired by a Cupertino resident who is willing to dedicate the property to the City for trail purposes. In order to receive the dedication, the City must agree to design, fund and approve construction of a trail project. The City Council approved funding for design and construction of a Linda Vista trail project on June 18, 2019 with the Capital Improvement Budget, and staff has initiated contracts for design of the trail. Simultaneously, staff has been working with the property owner to establish terms, covenants and conditions for the donation of the property.

The agreement establishes certain rules and expectations regarding the dedication, including the property owners' willingness to dedicate the property in fee to the City upon the City's commitment to improve and maintain the property exclusively for public use for recreation, walking and cycling in perpetuity.

The trail property has been assessed by the Santa Clara County Assessor's Office with a land value of \$76,500. The property is approximately 1,750 L.F. and 40 feet wide, with a total area of approximately 1.56 Acres. The project design is anticipated to be complete in February, 2020, with construction completion estimated for October, 2020.

Sustainability Impact

The trail is consistent with *General Plan: Community Vision 2015-2040* Policy M-1.3: Regional Trail Development, Policy M-2.3: Connectivity, and Policy M-5.3: Connections to Trails.

The property transfer is categorically exempt from the California Environmental Quality Act (CEQA) (Public Resources Code Section 15325(f) (acquisition to preserve open space or lands for park purposes). The trail project is categorically exempt from CEQA (Public Resources Code Section 15301(c) (Class 1, minor alteration of existing facilities or topographical features).

Fiscal Impact

No fiscal impact for accepting the donation as a budget of \$595,500 to design and construct the project was approved with the FY19/20 Capital Improvement budget. No additional budget allocation is needed.

Prepared by: Chad Mosley, Assistant Director of Public Works

Reviewed by: Roger Lee, Director of Public Works

Approved for Submission by: Deborah Feng, City Manager

Attachments:

A – Draft Agreement for Donation of Real Estate