



PUBLIC WORKS DEPARTMENT

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CITY COUNCIL STAFF REPORT

Meeting: May 5, 2020

Subject

Accept offer of dedication and waiver of future reimbursement at 20860 McClellan Road related to the McClellan Road Separated Bikeways-Phase 2 Project.

Recommended Action

Adopt Resolution No. 20-____ (Attachment A) accepting the Offer of Dedication and Waiver of Future Reimbursement from the property owner at 20860 McClellan Road for the construction of the McClellan Road Separated Bikeways-Phase 2 Project.

Discussion

The McClellan Road Separated Bikeways-Phase 2 project will install protected bike lanes on McClellan Road between Stelling Avenue and Torre Avenue, continuing the protected bike lanes that were constructed by the first phase of the project. During the Phase Two design, the need for additional right-of-way was identified in two locations. The property owner at 20860 McClellan Road has agreed to donate property rights for the construction of improvements in exchange for a waiver (Attachment B) of future reimbursement for City funded public improvements. There is one remaining property owner that has not yet responded to outreach from the City, and staff is continuing efforts to engage the owner regarding property donation.

Section 14.04.110 of the Cupertino Municipal Code (CMC) provides that if the City or another property owner installs 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 City. Section 18.56.040 of the CMC imposes a similar reimbursement requirement. Both sections provide, however, that 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.

Sustainability Impact

Acceptance of the land dedication will increase the effectiveness of the bike lane improvement project to be constructed. This project will encourage bicycling 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

By authorizing this donation, the City will receive approximately 1400 square feet of land. No additional funding is required.

Prepared by: John Raaymakers, Public Works Project Manager

Reviewed by: Roger Lee, Director of Public Works

Approved for Submission by: Dianne Thompson, Assistant City Manager

Attachments:

A – Draft Resolution No. 20-____

B – Signed Waiver