



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: July 7, 2020

Subject

Accept Offer of Dedication and Waiver of Future Reimbursement from the property owner at 20820 McClellan Place 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 20820 McClellan Place 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 donation of right-of-way adjoining 20860 McClellan Road was accepted by the City Council on May 5, 2020 through Resolution 20-042.

The remaining property owner at 20820 McClellan Place 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.

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 increases 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 550 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