



City Council Staff Report

From: City Manager

Report Type: CONSENT CALENDAR

Lead Department: Administrative Services

Meeting Date: August 14, 2023

Report #:2307-1779

TITLE

Adoption of a Resolution and Approving an Easement Relocation Agreement Relocating and Vacating a 25 Foot Public Service Easement at 220 Embarcadero Road

RECOMMENDATION

Staff recommends that Council:

1. Approve and authorize the City Manager or designee to execute the Easement Relocation Agreement relocating a public service easement on the commercial property located at 220 Embarcadero Road; and
2. Adopt a resolution summarily vacating a public service easement on the commercial property located at 220 Embarcadero Road after the relocated easement has been recorded.

ANALYSIS

On April 20, 1992, the City Council introduced and passed a resolution ordering the vacation of a street easement on a portion of Melville Avenue between Bryant and Emerson Streets, while reserving a 25-foot easement benefitting the City for underground and overhead public utilities purposes.¹ This Public Utility Easement ("PUE") is associated with the property owned by the Castilleja School Foundation ("Castilleja").²

On June 6, 2022, the City Council approved Castilleja's applications for Architectural Review with Parking Adjustment, Conditional Use Permit, and Variance, and made several findings, determination and declarations.³ In connection with those applications, the City Council made it

¹ General Vacation, Resolution No. 7086, recorded as Recording Number 11386298, Book M218, Page 0593 of Official Records of Santa Clara County.

² <https://www.cityofpaloalto.org/City-Hall/Hot-Topics/Castilleja-School>

³ <https://www.cityofpaloalto.org/files/f65eb77d-4d17-41a6-8158-44f1df3b649f/Casti-Signed-ROLUA-and-Exhibit.pdf>

a Condition of Approval that Castilleja relocate the existing 25-foot PUE to be within the boundaries of the driveway that is proposed near the Emerson Street and Melville Avenue intersection. Castilleja has agreed to relocate the existing 25-foot public utility easement. To relocate the easement, the City will execute an Easement Relocation Agreement creating a 25-foot PUE within the proposed new driveway and adopt a resolution to vacate the existing easement in accordance with Section 8333 of the California Streets and Highways Code.

FISCAL/RESOURCE IMPACT

The property owner paid the summary easement vacation fee in FY 2023, which amounts to \$1,842 as set forth in the FY 2023 Municipal Fee Schedule.

ENVIRONMENTAL REVIEW

Council action to relocate the public service easement is within the scope of the Environmental Impact Report prepared for the Castilleja School Project and adopted by the Council on June 6, 2022 (SCH #2017012052).

ATTACHMENTS

Attachment A: Summary Vacation Resolution & Easement Relocation Agreement

APPROVED BY:

Kiely Nose, Assistant City Manager