



**TOWN OF LOS GATOS
COUNCIL AGENDA REPORT**

MEETING DATE: 05/02/2023

ITEM NO: 6

DATE: April 17, 2023
TO: Mayor and Town Council
FROM: Laurel Prevetti, Town Manager
SUBJECT: Adopt a Resolution Summarily Vacating 0.038 Acres of a 0.055-Acre Public Utility Easement at 15714 Kavin Lane

RECOMMENDATION:

Adopt a Resolution (see Attachment 1) summarily vacating 0.038 acres of a 0.055-acre public utility easement at 15714 Kavin Lane.

BACKGROUND:

On June 1, 2021, the Town received an application from the property owner at 15714 Kavin Lane requesting a summary vacation of an excessive easement on their property.

The subject property is a part of Tract No 1740 known as the Hillview Court subdivision that was recorded by Santa Clara County in File No. 1232432 on July 17, 1956 in Book 71 of Maps at Page 10 (Attachment 2). A 0.055-acre easement was dedicated on the map within Parcel 3 (15714 Kavin Lane, Assessor's Parcel Number 410-09-012) to allow public utilities under, on, or over a certain strip of land.

The Street and Highways Code Section 8333(c) permits the legislative body of a local agency to summarily vacate a public service easement when the easement is determined to be in excess by the easement holder. Upon vacation, the property subject to the easement reverts to full control of the underlying property owner(s).

PREPARED BY: James Watson
Senior Engineer

Reviewed by: Town Manager, Town Attorney, Finance Director, and Director of Parks and Public Works

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DISCUSSION:

All utility companies with services within the area proposed to be vacated were notified on August 29, 2022 of the request for the easement summary vacation. The Town received letters with no objections from AT&T, Santa Clara County Fire Department, Frontier Communications, Valley Water, West Valley Sanitation District, San José Water Company, and Verizon. PG&E submitted a letter with no objection to the vacation of the easement, except for a 10-foot-wide public utility easement (0.017 acres) as described in Exhibit "A" and shown in Exhibit "B" of Attachment 1. The remaining 0.038 acres of the original 0.055 acres has been determined to be in excess by all the various public utilities operating within the Town.

CONCLUSION:

Staff recommends that Town Council adopt a Resolution summarily vacating 0.038 acres of a 0.055-acre public utility easement at 15714 Kavin Lane.

COORDINATION:

This project has been coordinated with the Town Attorney and the Community Development Department.

FISCAL IMPACT:

There is no anticipated fiscal impact from this report.

ENVIRONMENTAL ASSESSMENT:

This is a project as defined under CEQA but is Categorical Exempt (Section 15301). A Notice of Exemption will be filed.

Attachments:

1. Resolution with Exhibit "A" – Legal Description and Exhibit "B" – Map
2. Book 71 of Maps Page 10