

COUNCIL ACTION FORM

SUBJECT: SETTING OF PUBLIC HEARING FOR GRANTING OF ACCESS EASEMENT ACROSS CITY PROPERTY OF PARKING LOT X (WELCH PARKING LOT) TO BENEFIT 122 HAYWARD AVENUE

BACKGROUND:

Dean Jensen is the owner of two properties proposed to be merged for redevelopment as 122 Hayward Avenue into a new mixed-use student housing development. The developer has requested that the City Council grant a perpetual access easement for the benefit of the development at 122 Hayward through the City's parking area to the west of Welch Avenue. (Attachment A Location Map) City Council first reviewed this request on April 26 and gave direction to the City Attorney to draft an easement granting access rights across City property. However, the easement language was to be as general as possible about providing for access, but not in manner that delineates a precise route for access so as to not limit future use of the property by the City.

Under state law, when a City grants the use of public property for a term exceeding three years, it requires a public hearing on the matter prior to approval of an agreement for the use of City property. To approve the easement, there must first be a noticed public hearing. **The Council has two options to proceed on scheduling a public hearing. The first is to set the date of hearing at the next regularly scheduled meeting of June 14. The second option is hold a special meeting to allow for the easement to be approved sooner than the 14. The earliest special meeting date that could meet notice requirements is May 31.**

The property owner cannot proceed with approval of the minor site plan for their project until Council has approved the access easement. The developer is urging the Council to establish a special meeting date in advance of June 14 to ensure that they can stay on schedule for construction of the project.

ALTERNATIVES:

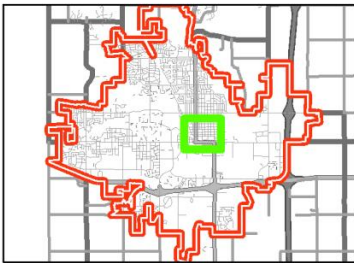
1. The City Council can set as date of public hearing for granting of an access easement through Parking Lot X on June 14, 2016.
2. The City Council can set a date of public hearing for granting of an access easement though Parking Lot X at a special meeting date determined by the Council, but no sooner than May 31, 2016.

3. The City Council can decline to set a public hearing date for granting of the easement and choose to not proceed with granting of an easement.

MANAGER'S RECOMMENDED ACTION:

The City Attorney is currently drafting an easement that reflects the intent of the City Council from April 26 to grant access through City property, but in manner that limits future City obligations. Staff believes the draft will be completed and distributed to City Council early next week. In addition to the City granting an easement, Council requested that the property owner provide an access easement to the City along the north boundary of their property to allow for the potential widening of the route to Hayward to a two-way access. To approve the proposed easement for access through City property a noticed public hearing must occur. **Assuming the City Council is satisfied with the proposed easement, the City Manager recommends that the City Council set a public hearing date as described in either Alternative #1 or Alternative #2.**

Attachment A Location Map



Location Map