



STAFF REPORT TO THE CITY COUNCIL

DATE: Regular Meeting of September 10, 2019

TO: Mayor and Members of the City Council

SUBMITTED BY: Holly Smyth, AICP, Planning Director
Mike Roberts, Public Works Director

SUBJECT: Vacation of Public Right of Way within the Southeasterly Portion of
Linus Pauling Drive

RECOMMENDED ACTION: Open the continued public hearing, conduct the public hearing, close the public hearing, and adopt a resolution approving the vacation of public right of way within the southeasterly portion of Linus Pauling Drive subject to conditions stated therein.

FISCAL IMPACT OF RECOMMENDATION:

There are no fiscal impacts for the City associated with this item as the cost of any modification to relocate or cap utilities or to create the appropriate cul-de-sac meeting City standards is paid by others.

DISCUSSION:

At the May 14, 2019 City Council meeting a staff report was presented and an initial public hearing was held to discuss the vacation of the southeasterly portion of Linus Pauling Drive abutting four properties: City of Hercules, Ledcor (Blocks Q&R), Bio-Rad and Pacific Biolabs. That public hearing was continued to July 9, 2019 to allow further time for the parties to discuss the potential uses within the vacated right of way areas. On July 9, 2019, a further continuance to the September 10, 2019 meeting was approved.

At this time, staff is recommending that the City Council proceed with the vacation to allow the City's preferred ultimate street configuration and emergency vehicle access (EVA) to be constructed by Ledcor. Bio-Rad has informed City staff that the configuration given in this proposed Resolution is their preference as well. Pacific Bio Labs has not expressed any objections to the abandonment in their communications with staff. Upon completion of the conditions stated in the attached Resolution under items 3.a, 3.b, and 3.c (which include dedications for the EVA, partial bulb and any needed easements for utilities and completion of the required improvements) the abandonment can then be recorded with the County. The former right of way will then revert to the adjacent property owners – Bio Rad and Pacific Biolabs. Opportunities remain for Bio Rad and Pacific Bio Labs to collaborate on items such as

a shared storm water basin constructed in the former right of way (which is not contingent on the abandonment).

Ledcor has expressed a concern that since they cannot proceed with construction of the improvements necessary to perfect the abandonment as proposed unless Bio Rad provided the necessary dedication and easements on their property. The completion of the required improvements, or an alternative which has been developed if needed, must occur before the Certificates of Occupancy can be provided for Blocks Q & R pursuant to the Conditions of Approval for that project. As such, the attached resolution provides Ledcor with the ability to implement the alternative in the event the Bio Rad has not provided the necessary conveyance documents by April 1, 2020.

ATTACHMENTS:

Attachment 1 – Updated Aerial Map of Abandonment Area

Attachment 2 – Resolution with all Exhibits embedded

Attachment 3 - Prior Staff Reports and Attachments