



## Agenda Report

20-396

Agenda Date: 6/9/2020

### REPORT TO COUNCIL

#### SUBJECT

Action on a Release of Interest in three Agreements and Covenants Running with the Land at 5104 Old Ironsides Drive [Council Pillar: Promote and Enhance Economic and Housing Development]

#### BACKGROUND

On November 29, 1994, as a condition for the issuance of a building permit at 5104 Old Ironsides Drive (Property), the City Council approved two Agreements deferring the construction of public sidewalk along Tasman Drive and Patrick Henry Drive (Attachment 1, Location Map). On May 16, 1995, as a condition for the issuance of a building permit on the Property, the City Council approved an Agreement deferring the payment of public sidewalk improvements along Bunker Hill Lane and Old Ironsides Drive. On December 7, 2004, the City Council approved an Amended Agreement, which amended and superseded the May 16, 1995 Agreement. The Amended Agreement changed the location of one of the proposed sidewalk improvements along Old Ironsides Drive from the other side of the street to the Property frontage. The public sidewalk improvements relating to these agreements have been constructed, thereby satisfying the obligations of said agreements.

#### DISCUSSION

Due to the satisfaction of the City's requirement for construction of public sidewalk improvements, the property owner has requested that the City relinquish and release all interest conveyed by said agreements deferring the construction of public sidewalks dated November 29, 1994 and the Amended Agreement dated December 7, 2004, in order to remove these unnecessary encumbrances on the Property.

#### ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

#### FISCAL IMPACT

There is no additional cost to the City other than staff time and expense.

#### COORDINATION

This report has been coordinated with the City Attorney's Office.

#### PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a

Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email [clerk@santaclaraca.gov](mailto:clerk@santaclaraca.gov) <<mailto:clerk@santaclaraca.gov>>.

**RECOMMENDATION**

1. Adopt a Release of Interest in the Agreements recorded on December 29, 1994, as Document Nos. 12762254 and 12762255, and the Amended Agreement recorded on December 28, 2004, as Document No. 18163936, at 5104 Old Ironsides Drive [APN 104-49-030 (2019-20); SC 19,283];  
and
2. Authorize the recordation of the Release of Interest.

Reviewed by: Craig Mobeck, Director, Public Works

Approved by: Deanna Santana, City Manager

**ATTACHMENTS**

1. Location Map
2. Release of Interest