



CITY COUNCIL AGENDA REPORT

MEETING DATE: MAY 2, 2017

ITEM NUMBER: PH-3

SUBJECT: PUBLIC HEARING FOR THE VACATION OF A PORTION OF EAST 19TH STREET AT 152 EAST 19TH STREET

DATE: APRIL 20, 2017

FROM: PUBLIC SERVICES DEPARTMENT/ENGINEERING DIVISION

PRESENTATION BY: RAJA SETHURAMAN, PUBLIC SERVICES DIRECTOR

FOR FURTHER INFORMATION CONTACT: BALTAZAR MEJIA, CITY ENGINEER, (714) 754-5291

RECOMMENDATION:

1. Adopt Resolution ordering the vacation of a portion of East 19th Street right-of-way at 152 East 19th Street (Attachment 1).
2. Authorize execution of the Quitclaim Deed by the Mayor and the City Clerk (Attachment 2).

BACKGROUND:

The Engineering Division is processing a request from Dolce Vita Properties LLC (property owner), for the vacation of a portion of East 19th Street. This portion of East 19th Street is adjacent to the property at 152 East 19th Street (Attachment 3).

Per the current City's Master Plan of Highways, East 19th Street is designated as a two-lane collector street. Presently, East 19th Street has been constructed to fulfill the Master Plan of Highway's capacity requirements leaving a sliver of 23 feet of excess right-of-way along the property located at 152 East 19th Street.

The City's Bikeway and Walkability Committee reviewed the request for the subject right-of-way vacation on February 1, 2017, and approved it with an 8-4 vote.

On March 13, 2017, a report was presented to the Planning Commission outlining the proposed vacation as required by Government Code Section 65402. Subsequently, the Planning Commission adopted Resolution No. PC-17-06 (Attachment 4) finding that the proposed vacation of a portion of East 19th Street excess right-of-way is consistent with the City's General Plan.

The Notice of Intent to vacate a portion of East 19th Street right-of-way was presented to the City Council at its regular meeting of April 4, 2017. Resolution 17-22 was subsequently adopted setting this public hearing (Attachment 5). The property has been posted and notices of this public hearing were published as required by the Resolution.

ANALYSIS:

The proposed segment of East 19th Street to be vacated was originally dedicated in 1979 by easement document, book 13285, page 232, recorded August 24, 1979. This segment, approximately 23 feet in width, is in excess of its ultimate alignment per the current Master Plan of Streets and Highways which was approved as part of the General Plan Update. East 19th Street from Fullerton Avenue to Orange was not improved to the full dedication creating this excess right-of-way. A 10-foot public parkway will remain beyond the existing curb following this vacation. In order to accommodate the existing sidewalk flare around a City tree, the City will retain approximately 1.50 foot by 11.00-foot public parkway from the requested right-of-way vacation. A corner cutoff per City Standards will also be required as part of the ROW vacation legal description (Attachment 6). In addition, this segment of street does not serve any ingress and egress purposes to other private properties. Currently, there are no utilities located within this portion of right-of-way and therefore, a reservation for a utility easement is not required.

The vacation of this portion of excess right-of-way is in conformance with the objectives of the General Plan Circulation Element and also conforms with the California Streets and Highways Code, Chapter 4, Section 8334(a) which allows a local agency to summarily vacate an excess right-of-way of a street or highway not required for street or highway purposes. Staff also recommends that a Quitclaim Deed be executed relinquishing the City of any interest in said excess right-of-way.

ALTERNATIVES CONSIDERED:

The City could retain the excess right-of-way and continue to be responsible for its liability and maintenance. There are no future plans to widen East 19th Street in this area.

FISCAL REVIEW:

Once the area is vacated it becomes taxable square footage, resulting in additional property taxes to the adjacent property owner to which the land will revert. This will result in additional revenue to the City.

LEGAL REVIEW:

The City Attorney's Office has approved the attached resolution as to form.

CONCLUSION:

Staff recommends that the City Council adopt the Resolution ordering the vacation of a portion of East 19th Street excess right-of-way at 152 East 19th Street. In addition, staff recommends that the City Council authorize execution of the Quitclaim Deed by the Mayor and the City Clerk.

RAJA SETHURAMAN
Public Services Director

BALTAZAR MEJIA
City Engineer

ATTACHMENTS:

- [1 – Resolution Ordering the Vacation of Excess Right-Of-Way](#)
- [2 – Quit Claim Deed](#)
- [3 – Location Map](#)
- [4 – Resolution PC 17-06](#)
- [5 – Resolution 17-22](#)
- [6 – Site Plan](#)

DISTRIBUTION:

City Manager
Assistant City Manager
City Attorney
City Clerk