



CITY COUNCIL AGENDA REPORT

MEETING DATE: JULY 5, 2006

ITEM NUMBER:

SUBJECT: PUBLIC HEARING FOR THE VACATION OF A PORTION OF ALLEY NO. 84 EXCESS RIGHT-OF-WAY ADJACENT TO 164 MAGNOLIA STREET

DATE: JUNE 22, 2006

FROM: PUBLIC SERVICES DEPARTMENT, ENGINEERING DIVISION

PRESENTATION BY: WILLIAM J. MORRIS, DIRECTOR OF PUBLIC SERVICES

FOR FURTHER INFORMATION CONTACT: ERNESTO MUNOZ, CITY ENGINEER, AT 714-754-5343

RECOMMENDATION:

1. Adopt Resolution ordering the vacation of a portion of public Alley No. 84 adjacent to 164 Magnolia Street.
2. Authorize execution of the Quitclaim Deed by the Mayor and Deputy City Clerk.

BACKGROUND:

A request was received by the Engineering Division from Mrs. Margaret Mary Cashel, at 164 Magnolia Street, to vacate a portion of public right-of-way, commonly known as Alley No. 84 (see Attachment 1). Alley No. 84 is a dead-end alley, and the proposed vacation portion lies adjacent to the applicant's property. It has become overgrown with vegetation and there are no public improvements for adequate vehicle access (see Attachment 2). The subject right-of-way was originally dedicated to the public for alley purposes on November 30, 1929, and on February 2, 1979. The dedications were granted from the property located at 164 Magnolia Street. This portion of the alley is not required for any ingress or egress purposes to private property. Currently, there are overhead power lines located within the public right-of-way of this alley. There are also underground utilities, such as water and gas lines, that are within the alley right-of-way.

ANALYSIS:

The excess right-of-way has been reviewed by the Engineering and Transportation Services Divisions and it was determined that this portion of Alley No. 84 is unnecessary for public alley purposes. The vacation of this portion of the alley would eliminate the City's responsibility for its maintenance. Once this portion of the alley is vacated, the land will revert to the underlying fee title owner, Mrs. Margert Mary Cashel, at 164 Magnolia Street, and become private property. The Notice of Intention to Vacate Right-of-way was presented to the City Council at its regular meeting June 6, 2006. Resolution 06-42 was subsequently adopted setting this public hearing (see Attachment 3). The property has been posted and notices of this public hearing were published as required by the Resolution. Staff recommends that a public utility easement be reserved for all existing overhead and underground utilities as described in the prepared Resolution ordering the vacation of excess right-of-way (see Attachment 4). Staff also recommends that a Quitclaim Deed be executed relinquishing the City of any interest in said excess right-of-way (see Attachment 5)

ALTERNATIVES:

The City could retain this portion of the alley and continue to be responsible for its maintenance. However, the alley is currently not improved to City standards and serves no public purpose except as an easement for public utilities.

LEGAL REVIEW:

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

CONCLUSION:

Staff recommends the City Council adopt the Resolution ordering the vacation of excess Alley No. 84 right-of-way adjacent to 164 Magnolia Street. In addition, staff recommends the City Council authorize execution of the Quitclaim Deed by the Mayor and Deputy City Clerk.

ERNESTO MUNOZ
City Engineer

WILLIAM J. MORRIS
Director of Public Services

Attachments: 1 – [Legal Description and Exhibit](#)
2 – [Pictures of Excess Vegetation without Improvements](#)
3 – [Resolution 06-42](#)
4 – [Resolution Ordering the Vacation of Excess Right-of-way](#)
5 – [Quitclaim Deed](#)

Distribution: City Manager
Assistant City Manager
City Clerk
City Attorney
Development Services Director
Staff