



# CITY COUNCIL AGENDA REPORT

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MEETING DATE: OCTOBER 16, 2007

ITEM NUMBER:

**SUBJECT: PUBLIC HEARING FOR THE VACATION OF ALLEY NO. 128 RIGHT-OF-WAY**

**DATE: OCTOBER 4, 2007**

**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**

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## **RECOMMENDATION**

1. Adopt Resolution ordering the vacation of Alley No. 128 public right-of-way.
2. Authorize execution of the Quitclaim Deed by the Mayor and City Clerk.

## **BACKGROUND**

Alley No. 128 is located between Tustin Avenue and Irvine Avenue just northeast of East 17<sup>th</sup> Street. The Alley No. 128 right-of-way is adjacent to the back portion of the properties on the northeasterly side of 17<sup>th</sup> Street (see Attachment 1). Alley No. 128 is 20.00 feet wide and was created from individual right-of-way dedications at no cost to the City by previous property owners circa 1957 and 1967, and was confirmed by City Resolutions 18 & 232. Alley No. 128 right-of-way was dedicated to the City by the following easements of record.

### Instrument No. / Book and Page

- 1) Book 3999, Page 50 OR. (RES. 18)
- 2) Book 4125, Page 354 OR. (RES. 232)
- 3) Book 8369, Page 45 OR.

### Date Recorded

August 7, 1957  
December 5, 1957  
September 11, 1967

The notice of intention to vacate right-of-way was presented to the City Council at its regular meeting September 18, 2007. Resolution 07-72 was subsequently adopted setting this Public Hearing (see Attachment 2). The property has been posted and notices of this public hearing were published as required by the resolution.

## **ANALYSIS**

Currently there is no evidence of an alley except for a storm drain system that still exists and services the 17<sup>th</sup> Street properties (see Attachment 3). The alley is not required for any ingress and egress purposes to private property and has become incorporated into the business parking areas of the adjacent properties. Along with said existing storm drain system, there are additional underground and overhead utilities that run the length of the alley. It is intended that Alley No. 128 right-of-way be vacated and a drainage easement be retained over the subject area. The excess right-of-way has been reviewed by the Engineering and Transportation Services Divisions and determined Alley No. 128 to be unnecessary for public street and highway purposes.

After the proposed vacation is approved and recorded, the subject vacated property will revert back to the owners.

The City sees no future need for the use of the property as a public alley right-of-way. Alley No. 128 is being used by the adjacent property owners and is no longer accessible to vehicles. The vacation of the alley would eliminate the City's responsibility for its maintenance. Once the alley is vacated, the land will revert to the underlying fee title owners (adjacent property owners) and become private property. Staff recommends that a public utility easement and a drainage easement be reserved for all existing underground and overhead utilities, including the City's drainage system 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 CONSIDERED**

The City could retain the alley and continue to be responsible for the maintenance. However, the alley serves no public purpose except as an easement for storm drains and utilities as mentioned above.

### **FISCAL REVIEW**

The City does not own the subject area in fee; therefore, there will be no fair market value compensation to the City in exchange for vacating this excess right-of-way. Once the area is vacated, it becomes taxable square footage, resulting in potential additional property taxes to the adjacent property owner to which the land will revert. This could potentially 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 the City Council adopt the Resolution ordering the vacation of Alley No. 128 right-of-way. In addition, staff recommends the City Council authorize execution of the Quitclaim Deed by the Mayor and City Clerk.

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ERNESTO MUNOZ  
City Engineer

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WILLIAM J. MORRIS  
Director of Public Services

Attachment: 1 – [Location Map](#)  
2 – [Notice of Intent Resolution No. 07-72](#)  
3 – [Aerial of Alley](#)  
4 – [Resolution Ordering the Vacation of Public Alley No. 128](#)  
5 – [Quitclaim Deed](#)

Distribution: City Manager  
City Clerk  
City Attorney  
Deputy City Mgr. - Dev. Services