



# CITY COUNCIL AGENDA REPORT

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MEETING DATE: JANUARY 15, 2008

ITEM NUMBER:

**SUBJECT: NOTICE OF INTENT FOR THE VACATION OF EXCESS RIGHT-OF-WAY AT 595 ANTON BOULEVARD**

**DATE: JANUARY 3, 2008**

**FROM: PUBLIC SERVICES DEPARTMENT, ENGINEERING DIVISION**

**PRESENTATION BY: PETER NAGHAVI, ACTING DIRECTOR OF PUBLIC SERVICES**

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

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## **RECOMMENDATION:**

1. Set a public hearing on February 19, 2008, for the vacation of a portion of excess right-of-way at 595 Anton Boulevard.
2. Adopt a Resolution of intent to vacate a portion of excess right-of-way at 595 Anton Boulevard (see Attachment 1).

## **BACKGROUND:**

At the request of JKS-CMFV, LLC, and AMS Craig, LLC, owners of 595 Anton Boulevard, the Public Services Department is processing the application to vacate a portion of excess right-of-way located at 595 Anton Boulevard. The request is in conjunction with the Symphony Towers development at this location. The subject portion of Anton Boulevard is part of a previously dedicated portion of right-of-way for locating a bus turnout which is no longer needed (see Attachment 2). The request to vacate this excess right-of-way is pursuant to the Planning Division's findings in the review for the Symphony Towers development (Planning Action 07-18, Item 10 of conditions of approval) that recommended increasing the project setback area by vacating the subject portion of right-of-way (see attachment 3).

The full width of Anton Boulevard at this location is 106 feet, with the surplus bus turnout area adding an additional 10 feet of width. The original bus turnout dedication was created by Tract No. 10950, which was recorded on September 19, 1983. Anton Boulevard is classified as a Major Highway with a required width of 104 feet per the Master Plan of Highways.

On October 8, 2007, the Planning Commission adopted Resolution PC-07-74 for the approval of the final Master Plan for the Symphony Towers project (see attachment 4). The Planning Commission found that the proposed vacation of this portion of Anton Boulevard is consistent with the General Plan and, thereby, in compliance with Government Code Section 65402. With the adoption of Resolution PC-07-74, the Planning Commission also included a recommendation to the City Council that the proposed vacation of the bus turnout area also be approved. The Planning Commission's action reflects its support of the proposed vacation, and the subject portion is delineated on the Technical Site Plan approved by the Planning Commission (see attachment 5).

**ANALYSIS:**

The excess right-of-way has been reviewed by the Engineering and Transportation Services Divisions. The findings indicate that a bus turnout is not needed at this location, and there is no future need for the use of the subject area as public right-of-way. In addition, vacation of the subject right-of-way will not impact the existing street or parkway area. The vacation will eliminate any City responsibility for its maintenance. Once the excess right-of-way is vacated, the land will revert to the underlying fee title owner (see Attachment 6).

**ALTERNATIVES:**

The City could retain the excess right-of-way and continue to be responsible for its maintenance. However, this portion of Anton Boulevard, and its existing improvements, is not needed for public use and would continue to be an unnecessary maintenance cost to the City.

**FISCAL REVIEW:**

No financial impact to the City is anticipated as a result of the vacation of the excess right-of-way.

**LEGAL REVIEW:**

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

**CONCLUSION:**

Staff recommends the City Council set a public hearing on February 19, 2008, and adopt the attached Resolution ordering the vacation of excess right-of-way for a portion of Anton Boulevard.

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ERNESTO MUNOZ  
City Engineer

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PETER NAGHAVI  
Acting Director of Public Services

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- Attachments: 1 - [Resolution of Intent to Vacate Excess Right-of-Way](#)  
2 - [Exhibit Map of Anton Boulevard](#)  
3 - [Conditions of Approval](#)  
4 - [Planning Commission Resolution PC-07-74](#)  
5 - [Technical Site Plan](#)  
6 - [Legal Description and Exhibit](#)

- Distribution: City Manager  
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