



CITY COUNCIL AGENDA REPORT

MEETING DATE: JANUARY 15, 2008

ITEM NUMBER:

SUBJECT: NOTICE OF INTENT FOR THE VACATION OF CHARLE STREET EXCESS RIGHT-OF-WAY AT 523 HAMILTON STREET

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

RECOMMENDATION:

1. Set a public hearing on February 19, 2008, for the vacation of a portion of Charle Street excess right-of-way at 523 Hamilton Street.
2. Adopt a Resolution of intent to vacate a portion of Charle Street excess right-of-way at 523 Hamilton Street (see Attachment 1).

BACKGROUND:

The surplus property at 523 Hamilton Street, located at the southeast corner of Hamilton Street and Charle Street, is currently designated as a community garden and has an area of approximately 19,418 square feet. The Red Mountain Retail Group, property owner of the parcel to the south of the City-owned lot, has expressed interest to the City in purchasing the City surplus lot and combining it with their future development. The proposed future development will encompass an additional six parcels, four of which front on Harbor Boulevard (see attachment 2).

On July 3 2007, City Council directed staff to enter into discussions/negotiations for the sale of the Hamilton Street City-owned parcel. The City parcel fronts on Charle Street and Hamilton Street, and it has a five-foot wide strip of excess right-of-way on the Charle Street side. In anticipation of the property sale, staff is processing the subject vacation of excess right-of-way to increase the lot area which, in turn, will enhance the value for the sale of the property. The proposed right-of-way area to be vacated to the City property is approximately 668 square feet which will increase the City property area to 20,086 square feet, thus increasing the appraised property value. The property appraisal will also be based on a best and highest use value in combination with Red Mountain's proposed development.

Charle Street is currently 65 feet wide at this location, and was created by the following easements:

Instrument No./Book and Page

- 1.) Book 8876, Page 75 OR.
- 2.) Book 12185, Page 1330 OR.

Date Recorded

February 07, 1956
May 09, 1977

The Master Plan of Highways indicates Charle Street to be a collector street (60 feet full-width right-of-way, 30 feet half-width right-of-way). The portion of Charle Street adjacent to the City-owned lot has a half width of 35 feet. This condition has created five feet of excess right-of-way (see Attachment 3).

On November 13, 2007, a report was submitted to the Planning Commission outlining the proposed vacation as required by Government Code Section 65402. Subsequently, the Planning Commission adopted Resolution PC-07-76 finding that the proposed excess right-of-way vacation of a portion of Charle Street at 523 Hamilton Street is consistent with the General Plan and, thereby, in compliance with Government Code Section 65402 (see Attachment 4).

ANALYSIS:

The excess right-of-way has been reviewed by the Engineering and Transportation Services Divisions, and there is no future need for the use of the subject area as public right-of-way. In addition, if the right-of-way were to be vacated to the adjacent City property, it would enhance the sale value of the property and assist the future owner in eliminating a vacation process that would eventually be performed by the future owner. The vacation of the subject area 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, which is the City (see Attachment 5).

ALTERNATIVES:

The City could retain the excess right-of-way and continue to be responsible for its maintenance. However, this would not be consistent with the proposed sale of the adjacent City property by not obtaining an increase in property area/value to the benefit of both the City and developer in conjunction with the sale of the City property.

FISCAL REVIEW:

The proposed right-of-way vacation, if approved, will enhance the sale value of the property. This, in turn, will increase the City's financial gain from the sale.

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 Charle Street.

ERNESTO MUNOZ
City Engineer

PETER NAGHAVI
Acting Director of Public Services

- Attachments: 1 - [Resolution of Intent to Vacate Excess Right-of-Way](#)
2 - [Red Mountain Development Property](#)
3 - [Exhibit Map of Charle Street](#)
4 - [Planning Commission Resolution PC-07-76](#)
5 - [Legal Description and Exhibit](#)

Distribution: City Manager
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