



CITY COUNCIL AGENDA REPORT

MEETING DATE: APRIL 1, 2008

ITEM NUMBER:

SUBJECT: NOTICE OF INTENT FOR THE VACATION OF A PORTION OF ALLEY NO. 62 RIGHT-OF-WAY

DATE: MARCH 20, 2008

FROM: PUBLIC SERVICES DEPARTMENT, ENGINEERING DIVISION

PRESENTATION BY: PETER NAGHAVI, DIRECTOR OF PUBLIC SERVICES

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

RECOMMENDATION

1. Set a public hearing on April 15, 2008, for the vacation of a portion of public Alley No. 62 Right-Of Way (ROW).
2. Adopt Resolution of intent to vacate a portion of public Alley No. 62 Right-Of-Way (ROW).

BACKGROUND

The Engineering Division is processing a request from Ms. Jean Forbes Wilson and Mr. George E. Minney II, for the vacation of a portion of Alley No. 62 between Alley No. 61 and Old Newport Boulevard. This portion of Alley No. 62 is adjacent to Ms. Forbes' property, 1510 Old Newport Road, and Mr. Minney's property, 1500 Old Newport Road.

Alley No. 62 is located between Orange Avenue and Newport Boulevard frontage road northeast of East 15th Street (see Attachment 1). This portion of Alley No. 62 is 17.50 feet wide and was created from individual ROW dedications at no cost to the City by Tract Map No. 427 and by previous property owners as easement deed dedications circa 1972 as shown by the following easements of record.

Instrument No. / Book and Page

- 1) Book 10484, Page 245 OR.
- 2) Book 10778, Page 532 OR.

Date Recorded

December 22, 1972
June 29, 1972

In September 2003, adjacent property owners of the subject alley voiced numerous concerns pertaining to the dangerous conditions due to the alley being used as an unsafe "short-cut" between Newport Boulevard and Orange Avenue. This short-cut is a direct route to the Newport Boulevard intersection with Industrial Way. The additional, dangerous conditions mentioned included excessive speeds in the alley; the alley being too narrow for cars; visibility problems at the alley entrances; and the danger to the children in the adjacent preschool along the southerly edge of the alley. Staff was directed to study whether the closure or partial closure of this alley could be supported by the City. After lengthy investigations and correspondence with adjoining businesses and residents, the Transportation Services Division supported the closure of Alley No. 62 to through traffic at a point immediately west of the intersection of Alley No. 61 and No. 62. In March of 2004, bollards (blockades) were installed in the midpoint of Alley No. 62, which prevents through traffic (see attached Exhibit 2). The study also recommended the vacation of this segment of Alley No. 62

between Alley No. 61 and Newport Boulevard. In addition, this portion of Alley No. 62 has a width of 17.5 feet and is less than the current required width of 20 feet per City Standard drawing No. 118.

On March 10, 2008, 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 PC-08-24 finding that the proposed vacation of a portion of excess ROW of public Alley No. 62 is consistent with the General Plan (see Attachment 3).

ANALYSIS

The portion of alley No. 62 which is the subject of the vacation is not required for any ingress and egress purposes to the adjacent private properties. In addition to City storm drain system; there are other underground and overhead utilities that run the length of the alley. It is proposed that Alley No. 62 ROW be vacated and a public utility easement be retained over the subject area. The excess Right-Of-Way has been reviewed by the Engineering and Transportation Services Divisions, and determined to be unnecessary for public street and highway purposes. 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 the consideration and approval of the vacation request, and that a public utility easement be reserved for all existing underground and overhead utilities, including the City's drainage system (see Attachment 4).

ALTERNATIVES CONSIDERED

The City could retain the alley and continue to be responsible for the maintenance and the safety issues as a substandard size alley. However, the alley serves no public purpose except as an easement for above and below ground utility facilities.

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 that the City Council set a public hearing for April 15, 2008, and adopt the attached Resolution of Intent to vacate a portion of public alley No. 62 (see Attachment 5).

ERNESTO MUNOZ
City Engineer

PETER NAGHAVI
Director of Public Services

- Attachment:
- 1 – [Location Map](#)
 - 2 – [Bollards](#)
 - 3 – [Planning Commission Resolution No. PC 08-24](#)
 - 4 – [Legal Descriptions and Exhibit](#)
 - 5 – [Resolution of Intent to Vacate Alley No. 62](#)

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