



# CITY COUNCIL AGENDA REPORT

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MEETING DATE: APRIL 15, 2008

ITEM NUMBER:

**SUBJECT: PUBLIC HEARING FOR THE VACATION OF A PORTION OF ALLEY NO. 62 RIGHT-OF-WAY**

**DATE: APRIL 3, 2008**

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

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

**FOR FURTHER INFORMATION CONTACT: ERNESTO MUÑOZ, CITY ENGINEER AT 714-754-5335**

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## **RECOMMENDATION**

1. Adopt a Resolution ordering the vacation of a portion of Alley No. 62 public Right-Of-Way (ROW) (Attachment 1).
2. Authorize execution of the Quitclaim Deed by the Mayor and City Clerk (Attachment 2).

## **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 15<sup>th</sup> Street (Attachment 3). 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 March of 2004, bollards (blockades) were installed in the midpoint of Alley No. 62, which prevents through traffic (Attachment 4). This was done in part by adjacent property owners of the subject alley expressing concerns pertaining to the dangerous conditions due to the alley being used as an unsafe "short-cut" between Newport Boulevard and Orange Avenue. A City Council directed study at the time 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.

The Notice of Intention to Vacate Right-Of-Way was presented to the City Council at its regular meeting of April 1, 2008. Resolution 08-24 was subsequently adopted setting this public hearing

(Attachment 5). The property has been posted and notices of this public hearing were published as required by the Resolution.

## **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. Once the alley is vacated, the land will revert to the underlying fee title owners (adjacent property owners) and become private property. The vacation of the alley would eliminate the City's responsibility for its maintenance. 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 ROW (Attachment 1). Staff also recommends that a Quitclaim Deed be executed relinquishing the City of any interest in said ROW (Attachment 2).

## **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 adopt the Resolution ordering the vacation of excess Right-Of-Way portion of Alley No. 62. In addition, staff recommends the City Council authorize execution of the Quitclaim Deed by the Mayor and City Clerk.

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**ERNESTO MUÑOZ**  
City Engineer

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**PETER NAGHAVI**  
Director of Public Services

- Attachments: 1 – [Resolution Ordering the Vacation of a portion of Alley No. 62](#)  
2 – [Quitclaim Deed](#)  
3 – [Location Map](#)  
4 – [Bollards](#)  
5 – [Notice of Intent Resolution No. 08-24](#)

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