



CITY COUNCIL AGENDA REPORT

MEETING DATE: JANUARY 6, 2009

ITEM NUMBER:

SUBJECT: PUBLIC HEARING FOR VACATION OF EXCESS RIGHT-OF-WAY AT 419 EAST 19TH STREET

DATE: DECEMBER 24, 2008

FROM: PUBLIC SERVICES DEPARTMENT, ENGINEERING DIVISION

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

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

RECOMMENDATION:

1. Adopt Resolution ordering the vacation of excess Right-Of-Way at 419 East 19th Street (Attachment 1).
2. Authorize the Mayor and the City Clerk to execute the Quitclaim Deed (Attachment 2).

BACKGROUND:

The Department of Public Services (DPS) received a request from Mrs. Jenay Llewellyn Houck, property owner of 419 East 19th Street for the City to vacate a portion of public Right-Of-Way on East 19th Street, adjacent to her property (Attachment 3). The subject Right-Of-Way was originally dedicated to the City for street and highway purposes by Tract Map No. 7722 recorded on May 26, 1972, in Book 299, Pages 20 & 21 of Miscellaneous Maps, in the records office of the County of Orange.

At the time of the street and highway dedication per Tract Map No. 7722, East 19th Street was designated on an earlier version of the Master Plan of Highways as a Primary Highway with a 100-foot, full-width Right-Of-Way. However, per the current Master Plan of Highways, East 19th Street from the City limits to Newport Boulevard has been downgraded to a two-lane collector designation of 60 feet. Per the Transportation Services Division, the remainder of East 19th Street has been constructed to fulfill the Master Plan of Highways capacity requirement within an existing 60-foot full-width Right-Of-Way. This results in 20 feet of excess Right-Of-Way at this location.

The proposed vacation would comply with the current Collector classification and be consistent with the existing improvements and the 60-foot full-width Right-Of-Way and half-width of 30 feet on the subject side of the street.

On October 27, 2008, 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-08-73 finding that the proposed vacation of excess Right-Of-Way at 419 East 19th Street is consistent with the General Plan.

ANALYSIS:

There are no public improvements or utilities located within the excess Right-Of-Way area. If the subject area were to be vacated, there would be no impact on the existing street or parkway area. The City anticipates no future need for the use for this area as public Right-Of-Way. The vacation of the subject area would also eliminate City responsibility for its maintenance. Once the excess Right-Of-Way is vacated, the land will revert to the underlying fee title owner, Mrs. Houck, and become private property (Attachment 4).

The Notice of Intention to Vacate Right-Of-Way was presented to the City Council at their regular meeting of November 18, 2008. Resolution 08-84 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.

ALTERNATIVES:

The City could retain the excess Right-Of-Way and continue to be responsible for its maintenance. However, this portion of East 19th Street is not needed for public use and would be an unnecessary maintenance cost and liability 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 attached Resolution of Intention to vacate excess Right-Of-Way located at 419 East 19th Street (Attachment 1), and authorize the execution of the Quitclaim Deed (Attachment 2).

ERNESTO MUÑOZ
City Engineer

PETER NAGHAVI, Director
Department of Public Services

- Attachments: 1 – [Resolution of Intention to Vacate Excess Right-Of-Way](#)
2 – [Quitclaim Deed](#)
3 – [Existing Right-Of-Way Exhibit](#)
4 – [Legal Description and Exhibit](#)
5 – [Resolution 08-84](#)

- Distribution: City Manager
City Clerk
City Attorney
Development Services Director
Staff