



# CITY COUNCIL AGENDA REPORT

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MEETING DATE: FEBRUARY 17, 2009

ITEM NUMBER:

**SUBJECT:** NOTICE OF INTENT FOR THE VACATION OF EXCESS RIGHT-OF-WAY OF A PORTION OF WILSON STREET AT 979, 983, 987, 991, 995 and 999 MODJESKA CIRCLE

**DATE:** FEBRUARY 5, 2009

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

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

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

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## **RECOMMENDATION:**

1. Adopt a Resolution of intent to vacate a portion of Wilson Street excess Right-Of-Way at south side of properties at 979, 983, 987, 991, 995 and 999 Modjeska Circle (Attachment 1).
2. Set a Public Hearing for March 17, 2009, for the vacation of a portion of Wilson Street excess Right-Of-Way at 979, 983, 987, 995 and 999 Modjeska Circle.

## **BACKGROUND:**

At the request of Mrs. Nikki D. Yocham, the City is preparing to proceed with the vacation of a portion of Wilson Street Right-Of-Way. Mrs. Yocham is representing herself and five other adjacent property owners in alliance for the requested vacation of Right-Of-Way. The subject portion of Wilson Street is adjacent to their properties at 979, 983, 987, 991, 995 and 999 Modjeska Circle (Attachments 2 and 3). The subject Right-Of-Way was originally dedicated to the City for street and highway purposes by Tract Map No. 9592 recorded on April 7, 1977, in Book 402, Pages 22 through 24 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. 9592, Wilson Street was designated on a much earlier version of the Master Plan of Highways as a Primary Highway with a 106-foot, full-width Right-Of-Way. However, per the current Master Plan of Highways, Wilson Street from Pacific Avenue to Placentia Avenue has been downgraded to a two-lane collector designation of 60 feet. Per the Transportation Services Division, the remainder of Wilson 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 12 feet of excess Right-Of-Way at this location. The proposed vacation would comply with the current standard 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.

On January 26, 2009, 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-09-4 finding that the proposed vacation of excess Right-Of-Way along Wilson Street is consistent with the General Plan (see Attachment 4).

**ANALYSIS:**

Currently, there are no overhead power line utilities located within this portion of the public Right-Of-Way. However, there is an existing City 5' X 2' box storm drain servicing runoff from Modjeska Circle to Wilson Street and a City Storm Drain easement reservation would be required. The reservation of a storm drain easement would be a continuation of an existing storm drain easement that already affects two of the six adjacent properties. The excess Right-Of-Way has been reviewed by the Engineering and Transportation Services Divisions and was determined that this portion of Wilson Street is not necessary for Public Street and highway purposes. The vacation of the subject area would also eliminate any City responsibility for its maintenance. Once the excess Right-Of-Way is vacated, the land will revert to the underlying fee title owners at 979, 983, 987, 991, 995 and 999 Modjeska Circle, and become private property (Attachment 5).

**ALTERNATIVES:**

The City could retain the excess Right-Of-Way and continue to be responsible for its maintenance. The alternative to retain excess Right-Of-Way will result in the City's continued involvement of unusable Right-Of-Way. There are no future plans to widen Wilson Street in this area.

**LEGAL REVIEW:**

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

**CONCLUSION:**

Staff recommends that the City Council adopt a Resolution of intention to vacate a portion of Wilson Street excess Right-Of-Way at 979, 983, 987, 991, 995 and 999 Modjeska Circle (Attachment 1), and set a Public Hearing for March 17, 2009.

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**ERNESTO MUÑOZ**  
City Engineer

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**PETER NAGHAVI**, Director  
Department of Public Services

- Attachments: 1 – [Resolution of Intention to Vacate Excess Right-Of-Way](#)  
2 & 3 – [Existing Right-Of-Way Exhibits](#)  
[Existing Right-Of-Way Exhibits](#)  
4 – [Planning Commission Resolution PC-09-4](#)  
5 – [Legal Description and Exhibit](#)

- Distribution: City Manager  
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