



CITY COUNCIL AGENDA REPORT

MEETING DATE: MARCH 17, 2009

ITEM NUMBER:

SUBJECT: PUBLIC HEARING 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: MARCH 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

RECOMMENDATION:

1. Adopt the attached Resolution (Attachment 1) ordering the vacation of a portion of Wilson Street excess Right-Of-Way at south side of properties at 979, 983, 987, 991, 995 and 999 Modjeska Circle
2. Authorize execution of the Quitclaim Deed by the Mayor and the City Clerk (Attachment 2).

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 3 and 4). 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.

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).

The Notice of Intention to Vacate Right-Of-Way was presented to the City Council at its regular meeting of February 17, 2009. Resolution 09-11 was subsequently adopted setting this public hearing (Attachment 6). The property has been posted and notices of this public hearing were published as required by the Resolution. Staff has prepared the attached Resolution ordering the vacation of excess Right-Of-Way. Staff also recommends that a Quitclaim Deed be executed relinquishing the City of any interest in said excess Right-Of-Way.

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 the Resolution ordering the vacation of a portion of Wilson Street excess Right-Of-Way at 979, 983, 987, 991, 995 and 999 Modjeska Circle (Attachment 1). In addition, staff recommends that the City Council authorize execution of the Quitclaim Deed by the Mayor and the City Clerk (Attachment 2).

ERNESTO MUÑOZ
City Engineer

PETER NAGHAVI, Director
Department of Public Services

Attachments: 1 – [Resolution Ordering the Vacation of Excess Right-Of-Way](#)
2 – [Quitclaim Deed](#)
3 & 4 – [Existing Right-Of-Way Exhibits](#)
5 – [Legal Description and Exhibit](#)
6 – [Resolution 09-11](#)

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