



CITY COUNCIL AGENDA REPORT

MEETING DATE: MAY 15, 2012

ITEM NUMBER:

SUBJECT: PUBLIC HEARING FOR THE VACATION OF A PORTION OF ALLEY NO. 54A RIGHT-OF-WAY

DATE: MAY 3, 2012

FROM: PUBLIC SERVICES DEPARTMENT, ENGINEERING DIVISION

PRESENTATION BY: ERNESTO MUNOZ, PUBLIC SERVICES DIRECTOR

**FOR FURTHER INFORMATION CONTACT: FARIBA FAZELI, INTERIM CITY ENGINEER,
(714) 754-5335**

RECOMMENDATION

1. Adopt Resolution ordering the vacation of a portion of public Alley No. 54A Right-Of-Way (ROW).
2. Authorize execution of the Quitclaim Deed by the Mayor and the Acting Deputy City Clerk.

BACKGROUND

The Engineering Division is processing a request from Mr. Peter Desforges of West Port Square LLC, for the vacation of a portion of Alley No. 54A. This portion of Alley No. 54A is adjacent to Mr. Desforges's properties, 353-369 East 17th Street, and Pinkley Park at 360 Ogle Street (Attachment 1).

Alley No. 54A is located between Santa Ana Avenue and Tustin Avenue. The portion of Alley No. 54A in question is approximately 375-feet long by 20-feet wide. The north portion of Alley No. 54A was created from individual ROW dedications at no cost to the City by the previous property owners at 353-369 East 17th Street. The south portion of the alley was dedicated by the City from a portion of Pinkley Park (City Resolution 77-43) and is currently unimproved. Record documents for the dedications are as follows:

Northerly Portion

Instrument No. / Book and Page

- 1) Book 4360, Page 522 OR.
- 2) Book 10611, Page 170 OR.
- 3) Book 11384, Page 1096 OR.
- 4) Book 14234, Page 863 OR.

Date Recorded

- July 24, 1958
 March 26, 1973
 April 23, 1975
 September 25, 1981

Southerly Portion

Instrument No. / Book and Page

- 1) Book 12325, Page 375 OR. (City Reso. 77-43)

Date Recorded

August 5, 1977

Mr. Desforges has expressed interest in acquiring the portion of alley right-of-way adjacent to his properties and adjacent to Pinkley Park to increase the parking capacity in the area. In exchange, Mr. Desforges has agreed to fund improvements to Pinkley Park equal in value to the vacated alley portion.

The southerly ten-foot portion of the alleyway is unimproved and the northerly ten-foot portion is paved with asphalt. Mr. Desforges proposes to pave the unimproved portion to allow for additional parking behind his property and adjacent to the park. The improved portion of the alley is currently being used for parking; however it is limited because it is only ten-feet wide. Improving the entire alley section would benefit patrons at Pinkley Park and the shopping center as it would allow for additional off-street parking. Vacating this alley segment will further benefit the City by removing the maintenance liability for a dead-end alley section with limited use by the public due to its partially improved condition. Mr. Desforges has agreed to construct improvements to Pinkley Park (Attachment 2), which include a new decorative wrought iron fence, additional tree planting, and strategically placed pedestrian openings to the park to allow safe access from the parking area.

The notice of intention to Vacate Right-Of-Way was presented to the City Council at its regular meeting date of April 17, 2012. Subsequently, Resolution No. 12-27 was adopted setting forth this public hearing (see Attachment 3). The property has been posted and notices of this public hearing were published as required by the Resolution.

ANALYSIS

The proposed alley vacation segment is not required for any ingress and egress purposes to private property. There are existing underground and overhead utilities that run the length of the alley. It is intended that Alley No. 54A be vacated of street and highway purposes and a public utility easement be retained over the subject area for access and maintenance of the said utilities. The excess Right-Of-Way has been reviewed by the Engineering and Transportation Services Divisions which determined this portion of Alley No. 54A to be unnecessary for public street and highway purposes. Therefore, staff recommends the proposed Resolution ordering the vacation of Right-Of-Way be adopted (Attachment 4). Staff also recommends that a Quitclaim Deed be executed relinquishing the City and West Port Square LLC properties of any interest in said Right-Of-Way (Attachment 5).

After the proposed vacation is approved and recorded, the subject vacated property will revert back to the adjacent properties. Staff in conjunction with West Port Square LLC will prepare a Lot Line adjustment to transfer the portion of the alley originally dedicated by Pinkley Park to West Port Square LLC properties.

ALTERNATIVES CONSIDERED

The City could retain this portion of the alley and continue to be responsible for its maintenance and the safety issues associated with 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 resulting in additional revenue to the City.

LEGAL REVIEW

The City Attorney's Office has approved the attached Resolution ordering the vacation of a portion of Alley No. 54A as to form.

CONCLUSION

Staff reviewed the request for a vacation of a portion of Alley 54A, and determined that the vacation will result in savings to the City associated with removing a maintenance liability for a substandard alley. Staff recommends that City Council adopt the Resolution ordering the vacation of excess Right-Of-Way portion of Alley No. 54A. In addition, staff recommends the City Council authorize execution of the Quitclaim Deed by the Mayor and the Acting Deputy City Clerk.

ERNESTO MUNOZ
Public Services Director

FARIBA FAZELI
Interim City Engineer

Attachments: 1 – [Location Map, Existing Alley Limits](#)
 2 – [Improvement Plans](#)
 3 – [Resolution No. 12-27](#)
 4 – [Resolution Ordering the Vacation of a portion of Alley No. 54A](#)
 5 – [Quitclaim Deed](#)

Distribution: Chief Executive Officer
 Assistant CEO
 City Attorney
 Acting Deputy City Clerk