



CITY COUNCIL AGENDA REPORT

MEETING DATE: JULY 3, 2012

ITEM NUMBER:

SUBJECT: NOTICE OF INTENT FOR THE VACATION OF A PORTION OF FULLERTON AVENUE AT 164 FLOWER STREET

DATE: JUNE 21, 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. Set a public hearing on August 7, 2012 for the vacation of a portion of Fullerton Avenue Right-Of-Way (ROW).
2. Adopt Resolution of intent to vacate a portion of Fullerton Avenue Right-Of-Way (ROW) (Attachment 4).

BACKGROUND

The Engineering Division is processing a request from Mr. Daniel Thompson of Sam Costa Mesa LLC, for the vacation of a portion of Fullerton Avenue. This portion of Fullerton Avenue is adjacent to Mr. Thompson's properties at 164 Flower Street (Attachment 1). The proposed vacation of right-of-way is in conjunction with the Sam Costa Mesa LLC proposed subdivision per Tentative Parcel Map No. 2011-144 (Attachment 2).

Per the current City's Master Plan of Highways, Fullerton Avenue is designated as a two-lane local street. The remainder of Fullerton Avenue has been constructed to fulfill the Master Plan of Highways' capacity requirement within an existing 45 to 50-foot full-width right-of-way. Currently the right-of-way width at this location is 60 feet. This results in 9.7 feet of excess right-of-way along the property located at 164 Flower Street (east side of Fullerton Avenue) and 0.3 feet along the property located at 145 East 19th Street (west side of Fullerton Avenue). The proposed vacation would comply with the current standard for local streets and be consistent with the existing improvements and the 50-foot full-width right-of-way with a half-width of 25 feet on the subject side.

On May 14, 2012, a report was presented to the Planning Commission outlining the proposed vacation as required by Government Code Section 65402. Subsequently, the Planning Commission adopted Resolution No. PC-12-15 finding that the proposed vacation of a portion of Fullerton Avenue excess right-of-way is consistent with the City's General Plan (Attachment 3).

ANALYSIS

The proposed segment of street to be vacated is not required for ingress and egress purposes to private property. Currently, there are no utilities located within this portion of right-of-way and therefore, a reservation for a utility easement is not required. The excess right-of-way has been reviewed by the Engineering and Transportation Services Divisions, and has been determined that this portion of Fullerton Avenue is not necessary for public street and highway purposes.

Therefore, it is recommended that the proposed vacation continue to be processed and forwarded to the City Council for approval.

After the proposed vacation is approved and recorded, the subject vacated property will revert back to the adjacent property at 164 Flower Street.

ALTERNATIVES CONSIDERED

The City could retain the excess right-of-way and continue to be responsible for the maintenance and safety of the street.

FISCAL REVIEW

Once the area is vacated it becomes taxable square footage, resulting in additional property taxes to the adjacent property owner to which the land will revert. This will result in additional revenue to the City.

LEGAL REVIEW

The City Attorney's Office has approved the attached Resolution of Intent as to form.

CONCLUSION

Staff reviewed a request for the City to abandon an excess portion of Fullerton Avenue, and recommends that the City Council set a public hearing for August 7, 2012, and adopt the attached Resolution of Intent to vacate a portion of Fullerton Avenue at 164 Flower Street.

ERNESTO MUNOZ
Public Services Director

FARIBA FAZELI
Interim City Engineer

Attachments: 1 – [Location Map](#)
 2 – [Tentative Map No. 2011-144](#)
 3 – [Planning Commission Resolution No. PC-12-15](#)
 4 – [Resolution of Intent to vacate a portion of Fullerton Avenue](#)

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