



# CITY COUNCIL AGENDA REPORT

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MEETING DATE: MARCH 18, 2014

ITEM NUMBER:

**SUBJECT: NOTICE OF INTENT FOR THE VACATION OF A PORTION OF FULLERTON AVENUE AT 1854 FULLERTON AVENUE**

**DATE: MARCH 6, 2014**

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

**PRESENTATION BY: ERNESTO MUNOZ, PUBLIC SERVICES DIRECTOR**

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

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## **RECOMMENDATION**

1. Set a public hearing on April 15, 2014 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 1).

## **BACKGROUND**

The Engineering Division is processing a request from Mr. Nicholas F. Schaumburg (Homeowner), for the vacation of a portion of Fullerton Avenue. This portion of Fullerton Avenue is adjacent to Mr. Schaumburg's property at 1854 Fullerton Avenue (Attachment 2). The proposed vacation of right-of-way is in conjunction with Mr. Schaumburg's improvements to the property.

Per the current City's Master Plan of Highways, Fullerton Avenue is designated as a two-lane collector street. Presently, Fullerton Avenue has been constructed to fulfill the Master Plan of Highway's capacity requirements, therefore, leaving a sliver of 8.7 feet of excess right-of-way along the property located at 1854 Fullerton Avenue. The proposed vacation complies with the current standard for local streets and is consistent with the existing improvements.

On February 24, 2014, 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-14-07 (Attachment 3) finding that the proposed vacation of a portion of Fullerton Avenue excess right-of-way is consistent with the City's General Plan.

## **ANALYSIS**

The proposed segment of Fullerton Avenue to be vacated was originally dedicated in 1927 and is in excess of its ultimate alignment. In addition, this segment of street does not serve any ingress and egress purposes to other private properties. 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 vacation of this portion of excess right-of-way is in conformance with the objectives of the General Plan Circulation Element and also conforms to the California Streets and Highways Code, Chapter 4, Section 8334(a) which allows a local agency to summarily vacate an excess right-of-way of a street or highway not required for street or 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 1854 Fullerton Avenue (the underlying fee owner, Mr Schaumburg).

### **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 April 15, 2014, and adopt the attached Resolution of Intent to vacate a portion of Fullerton Avenue at 1854 Fullerton Avenue.

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**ERNESTO MUNOZ**  
Public Services Director

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**FARIBA FAZELI**  
City Engineer

ATTACHMENTS: 1 – [Resolution of Intent to vacate a portion of Fullerton Avenue](#)  
2– [Site Plan](#)  
3 – [Planning Commission Resolution No. PC-14-07](#)

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