



CITY COUNCIL AGENDA REPORT

MEETING DATE: JULY 15, 2014

ITEM NUMBER:

**SUBJECT: PUBLIC HEARING FOR THE VACATION OF A PORTION OF SUPERIOR AVENUE AT
1677 SUPERIOR AVENUE**

DATE: JULY 3, 2014

FROM: PUBLIC SERVICES DEPARTMENT/ENGINEERING DIVISION

PRESENTATION BY: ERNESTO MUNOZ, PUBLIC SERVICES DIRECTOR

**FOR FURTHER INFORMATION CONTACT: FARIBA FAZELI, CITY ENGINEER
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RECOMMENDATION:

1. Adopt a Resolution ordering the vacation of a portion of Superior Avenue Right-Of-Way at 1677 Superior Avenue (Attachment 1).
2. Authorize execution of the Quit Claim Deed by the Mayor and the City Clerk (Attachment 2).

BACKGROUND:

The Engineering Division is processing a request from Taylor Morrison of California LLC, for the vacation of a portion of Superior Avenue. This portion of Superior Avenue is adjacent to Taylor Morrison's property at 1677 Superior Avenue (Attachment 3). This vacation of right-of-way is being proposed in conjunction with Tentative Tract Map No. 17639 improvements to the property.

Per the current City's Master Plan of Highways, Superior Avenue is designated as a four-lane Primary Arterial. Presently, Superior Avenue has been constructed to fulfill the Master Plan of Highway's capacity requirements, therefore, leaving a sliver of 10 feet of excess right-of-way along the property located at 1677 Superior Avenue. The proposed vacation complies with the current standard for Primary Arterials and is consistent with the existing improvements and also with the future improvements provided by Tentative Tract Map No. 17639 development.

On May 12, 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-14-22 (Attachment 4) finding that the proposed vacation of a portion of Superior Avenue excess right-of-way is consistent with the City's General Plan.

ANALYSIS:

The proposed segment of Superior Avenue to be vacated was originally dedicated in 1963, and it was determined to be 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.

The traffic handling capacity of the section of Superior Avenue just south of 17th Street is 38,000 daily trips. Even with the future (General Plan build out) traffic demand, the daily traffic volume along this segment of Superior Avenue is not projected to be more than 70% of the available capacity. Based on future traffic conditions, capacity enhancements in the southbound direction along Superior Avenue just south of 17th Street are not anticipated in the future. Therefore, vacating the excess right-of-way at 1677 Superior Avenue will not have a negative impact on the future traffic handling capacity of the roadway segment.

The Notice of Intention to vacate right-of-way was presented to the City Council at its regular meeting of June 17, 2014. Resolution 14-34 was subsequently adopted setting this public hearing (Attachment 5). The property has been posted and notices of this public hearing were published as required by the Resolution.

ALTERNATIVES:

The City could retain the excess right-of-way and continue to be responsible for its maintenance. There are no future plans to widen Superior Avenue in this area.

FISCAL REVIEW:

There is no fiscal impact relative to this item.

LEGAL REVIEW:

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

CONCLUSION:

Taylor Morrison of California LLC, has submitted a request for the City to vacate excess right-of-way along their property at 1677 Superior Avenue (Attachment 3). City staff has evaluated their request and has determined that Superior Avenue at this location is at its ultimate width and there are no plans to widen Superior Avenue in the future. Therefore, staff recommends that the City Council adopt the Resolution ordering the vacation of a portion of Superior Avenue excess right-of-way at 1677 Superior Avenue. In addition, staff recommends that the City Council authorize execution of the Quit Claim Deed by the Mayor and the City Clerk.

ERNESTO MUNOZ
Public Services Director

FARIBA FAZELI
City Engineer

Attachments: 1 – [Resolution Ordering the Vacation of Excess Right-Of-Way](#)
 2 – [Quit Claim Deed](#)
 3 – [Site Plan](#)
 4 – [Resolution PC-14-22](#)
 5 – [Resolution 14-34](#)

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