



CITY COUNCIL AGENDA REPORT

MEETING DATE: JUNE 2, 2015

ITEM NUMBER: PH-2

SUBJECT: PUBLIC HEARING FOR THE VACATION OF A PORTION OF FULLERTON AVENUE AT 155 FLOWER STREET

DATE: MAY 21, 2015

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 Resolution ordering the vacation of a portion of Fullerton Avenue Right-Of-Way at 155 Flower Street (Attachment 1).
2. Authorize execution of the Quitclaim Deed by the Mayor and the City Clerk (Attachment 2).

BACKGROUND:

The Engineering Division is processing a request from 155 Flower Partners, LLC (Representing the property owner), for the vacation of a portion of Fullerton Avenue. This portion of Fullerton Avenue is adjacent to the property at 155 Flower Street (Attachment 3). The proposed vacation of right-of-way is in conjunction with 155 Flower Partners, LLC 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 155 Flower Street. The proposed vacation complies with the current standard for local streets and is consistent with the existing improvements.

On February 23, 2015, 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-15-10 (Attachment 4) 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 the final 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 Circulation Element General Plan and 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 Notice of Intention to vacate right-of-way was presented to the City Council at their regular meeting of April 21, 2015. Resolution 15-12 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. Staff has prepared the attached Resolution ordering the vacation of excess right-of-way (Attachment 1). Staff also recommends that a Quitclaim Deed be executed relinquishing the City of any interest in said excess right-of-way (Attachment 2).

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 Fullerton in this area.

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 as to form.

CONCLUSION:

Staff recommends that the City Council adopt the Resolution ordering the vacation of Fullerton Avenue excess right-of-way at 155 Flower Street. In addition, staff recommends that the City Council authorize execution of the Quitclaim 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-15-10](#)
 5 – [Resolution 15-12](#)

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