



CITY COUNCIL AGENDA REPORT

MEETING DATE: SEPTEMBER 15, 2015

ITEM NUMBER: **CC-10**

SUBJECT: NOTICE OF INTENT FOR THE VACATION OF EXCESS RIGHT-OF-WAY AT 752 WEST 19TH STREET

DATE: SEPTEMBER 3, 2015

FROM: PUBLIC SERVICES DEPARTMENT/ENGINEERING DIVISION

PRESENTATION BY: ERNESTO MUNOZ, PUBLIC SERVICES DIRECTOR

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

RECOMMENDATION:

1. Set a public hearing on October 20, 2015 for the vacation of excess Right-Of-Way (ROW) at 752 West 19th Street.
2. Adopt Resolution of Intent to vacate excess Right-Of-Way (ROW) at 752 West 19th Street (Attachment 1).

BACKGROUND:

The Engineering Division is preparing to proceed with the vacation of a portion of West 19th Street right-of-way. This portion of West 19th Street is adjacent to the property at 752 West 19th Street (Attachment 2). This vacation of right-of-way is being requested by the property owner, SGRE W19th Investors LLC in conjunction with a proposed development of a 5-unit live/work development.

On August 10, 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-15-46 (Attachment 3) finding that the proposed vacation of excess right-of-way at 752 West 19th Street is consistent with the City's General Plan.

ANALYSIS:

West 19th Street is currently designated on the Master Plan of Highways as a primary street. At this location, 19th Street has a full right-of-way width of 106 feet with an excess of 12.5 feet of right-of-way. Staff has determined the vacation of this excess right of way will neither impede pedestrian access nor will it preclude the full development of the City's Bicycle Master Plan. The request to vacate 12.50 feet would allow for an 8.50 foot parkway for contiguous pedestrian access (Attachment 4). A corner cut-off would remain as required per City's standard for handicap ramps. Currently there are no public improvements constructed within the subject excess right-of-way.

After the proposed vacation is approved and recorded, the subject vacated property will revert back to the adjacent property at 752 West 19th Street (the underlying fee owner, SGRE W19th Investors LCC).

ALTERNATIVES CONSIDERED:

The City could retain the excess right-of-way and continue to be responsible for the liability of the easement area which does not encompass public street structures nor does it serve any public use.

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 excess right-of-way at West 19th Street, and recommends that the City Council set a public hearing for October 20, 2015, and adopt the Resolution of Intent to vacate excess right-of-way at 752 West 19th Street.

ERNESTO MUNOZ
Public Services Director

FARIBA FAZELI
City Engineer

- Attachments:
1. [Resolution of Intent to vacate a portion of West 19th Street](#)
 2. [Site plan](#)
 3. [Planning Commission Resolution No. PC-15-46](#)
 4. [Proposed vacation exhibit](#)

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