



CITY COUNCIL AGENDA REPORT

MEETING DATE: OCTOBER 20, 2015

ITEM NUMBER: **PH-2**

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

DATE: OCTOBER 8, 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. Adopt Resolution ordering the vacation of excess Right-Of-Way at 752 West 19th Street (Attachment 1).
2. Authorize execution of the Quitclaim Deed by the Mayor and the City Clerk (Attachment 2).

BACKGROUND:

On September 15, 2015, the City Council adopted Resolution 15-51 declaring its intention to order the vacation of excess right-of-way at 752 West 19th Street, and setting this public hearing (Attachment 3). This portion of West 19th Street is adjacent to the property at 752 West 19th Street (Attachment 4). This vacation of right-of-way is being requested by the property owner, SGRE W19th Investors LLC in conjunction with the 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 5) 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 on both sides of the street (total of 25 feet excess 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 6). 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 LLC).

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 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 as to form.

CONCLUSION:

Staff recommends that the City Council adopt the Resolution ordering the vacation of excess right-of-way at 752 West 19TH 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 a portion of West 19th Street](#)
 2. [Quit Claim Deed](#)
 3. [Resolution No.15-51](#)
 4. [Site Plan](#)
 5. [Resolution PC-15-46](#)
 6. [Proposed vacation exhibit](#)

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