



# CITY COUNCIL AGENDA REPORT

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MEETING DATE: JULY 5, 2016

ITEM NUMBER: CC-5

**SUBJECT: NOTICE OF INTENT FOR THE VACATION OF EXCESS RIGHT-OF-WAY AT 671-673 W. 17<sup>th</sup> STREET AT TWO LOCATIONS: W. 17<sup>th</sup> STREET AND SUPERIOR AVENUE**

**DATE: JUNE 23, 2016**

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

**PRESENTATION BY: RAJA SETHURAMAN, TRANSPORTATION SERVICES MANAGER**

**FOR FURTHER INFORMATION CONTACT: BALTAZAR MEJIA, CITY ENGINEER  
(714) 754-5291**

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## **RECOMMENDATION**

1. Set a public hearing on August 2, 2016 for the vacation of a portion of West 17<sup>th</sup> Street and Superior Avenue Right-Of-Way (ROW).
2. Adopt Resolution of intent to vacate a portion of West 17<sup>th</sup> Street and Superior Avenue Right-Of-Way (ROW) (Attachment 1).

## **BACKGROUND**

The Engineering Division is processing a request from West Port Properties Inc., for the vacation of a portion of West 17<sup>th</sup> Street and a small portion of Superior Avenue. The portions of West 17<sup>th</sup> Street and Superior Avenue are adjacent to West Port Properties property at 671-673 W. 17<sup>th</sup> Street (Attachment 2). The proposed vacation of right-of-way is in conjunction with Tentative Tract Map No. 17800 improvements to the property.

The subject segments on West 17<sup>th</sup> Street and Superior Avenue currently have two through lanes in each direction and a median (two-way) turn lane which can be accommodated within a 72 feet wide right-of-way. The available right-of-way at 671-673 W. 17<sup>th</sup> Street along W. 17<sup>th</sup> Street is 95 feet and along Superior Avenue is 98 feet. Hence, a 23-foot wide right-of-way can be vacated at these locations without compromising the function of both street segments.

As part of the conditions for the Tract Map No. 17800, the property owner is re-dedicating a 5-foot portion of the northerly property for a better transition. This 5-foot dedication will run parallel with the center line of West 17<sup>th</sup> Street then taper to connect to the existing right-of-way to the east (see Attachment 3).

It should also be noted that the proposed development project at 671-673 W. 17<sup>th</sup> Street was reviewed and approved based on the adopted Master Plan of Bikeways which does not propose any bicycle facilities along the subject segments of W. 17<sup>th</sup> Street and Superior Avenue. As such, there is no nexus for requiring additional right-of-way for bicycle facilities along these street segments.

On June 13, 2016, 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-16-29 (Attachment 4) finding that the proposed vacation of a portion of West 17<sup>th</sup> Street and Superior Avenue excess right-of-way is consistent with the City's General Plan.

### **ANALYSIS**

The proposed segments of West 17<sup>th</sup> Street and Superior Avenue to be vacated were originally dedicated and recorded on June 3, 1976, in Book 11759, page 1379 of official records and have been currently determined to be in excess of their ultimate alignments. In addition, the segments do not serve any ingress and egress purposes to other private properties. Currently, there are no utilities located within these portions of right-of-way and therefore, a reservation for a utility easement is not required. The vacation of these portions of excess right-of-way are 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 City Council adopt the attached resolution for the proposed vacation and conduct a public hearing on August 2, 2016.

After the proposed vacation is approved and recorded, the subject vacated street area will revert back to the adjacent property at 671-673 West 17<sup>th</sup> Street (the underlying fee owner, West Port Properties Inc.).

### **ALTERNATIVES CONSIDERED**

The City could retain the proposed right-of-way area to be vacated and continue to be responsible for the maintenance and safety of the excess right-of-way.

### **FISCAL REVIEW**

There is no fiscal impact relative to this item.

### **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 portions of West 17<sup>th</sup> Street and Superior Avenue, and recommends that the City Council set a public hearing for August 2, 2016, and adopt the attached Resolution of Intent to vacate a portion of West 17<sup>th</sup> Street and Superior Avenue at 671-673 West 17<sup>th</sup> Street.

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**JAMES G. ROSS**  
Interim Public Services Director

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**BALTAZAR MEJIA, P.E.**  
City Engineer

ATTACHMENTS: [1 – Resolution of Intent to vacate portions of W. 17<sup>th</sup> Street and Superior Avenue](#)  
[2 – Site Plan](#)  
[3 – Tract No. 17800 Rededication](#)  
[4 – Planning Commission Resolution No. PC-16-29](#)

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