



# *CITY COUNCIL AGENDA REPORT*

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MEETING DATE: SEPTEMBER 20, 2016

ITEM NUMBER: PH-1

**SUBJECT:** PUBLIC HEARING 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:** SEPTEMBER 8, 2016

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

**PRESENTATION BY:** JAMES G. ROSS, INTERIM PUBLIC SERVICES DIRECTOR

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

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## **RECOMMENDATION:**

1. Adopt Resolution ordering the vacation of a portion of West 17<sup>th</sup> Street and Superior Avenue Right-Of-Way (ROW) (Attachment 1).
2. Authorize execution of the Quitclaim Deed by the Mayor and the City Clerk (Attachment 2).

## **BACKGROUND:**

This item was continued from the August 2, 2016, City Council meeting for review by the Bikeway and Walkability Committee. The Engineering Division is processing a request from West Port Properties Inc., for the vacation of an "offer of dedication" for 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 3). 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 (Attachment 4).

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 5) 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 an offer of dedication to the City 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 future 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.

This item was presented to the City's Bikeway and Walkability Committee on September 7, 2016 by the applicant and City staff including opportunities for providing bicycle and pedestrian facilities within available right-of-way in the City. The Committee received and filed the report and had no objections with proceeding with the request for City Council's approval of the subject vacation of excess right-of-way.

The vacation of this "offer of dedication" is in conformance with the objectives of the General Plan Circulation Element and it is also in conformity with the California Streets and Highways Code, Chapter 4, Section 8334(a) which allows a local agency to summarily vacate excess right-of-way of a street or highway not required for street or highway purposes. Therefore, it is recommended that the proposed vacation continue to be processed for approval.

The Notice of Intention to vacate right-of-way was presented to the City Council at its regular meeting of July 5, 2016. Resolution 16-58 (Attachment 6) was subsequently adopted setting this public hearing. 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).

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

### **ALTERNATIVES CONSIDERED:**

The City could retain the "offer of dedication" of this excess right-of-way. This 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 use this portion of right-of-way.

### **FISCAL REVIEW:**

There is no fiscal impact for the proposed actions.

### **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 671-673 West 17<sup>th</sup> Street and Superior Avenue. In addition, staff recommends that the City Council authorize execution of the Quitclaim Deed by the Mayor and the City Clerk.

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

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**BALTAZAR MEJIA**  
City Engineer

Attachments:      1. [Resolution Ordering the Vacation of Excess Right-Of-Way](#)  
                          2. [Quitclaim Deed](#)  
                          3. [Site \(Aerial & Street View\)](#)  
                          4. [Tract No. 17800 Rededication](#)  
                          5. [Resolution PC-16-29](#)  
                          6. [Resolution 16-58](#)

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