File #: 25-429, **Version:** 1

TITLE:

APPROVAL OF A SUMMARY VACATION OF EXCESS RIGHT-OF-WAY AT 174 EAST 19TH STREET

DEPARTMENT: **PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION**

PRESENTED BY: **RAJA SETHURAMAN, PUBLIC WORKS DIRECTOR**
CONTACT INFORMATION: **SEUNG YANG, P.E., CITY ENGINEER (714) 754-5335**

RECOMMENDATION:

Staff recommends the City Council:

Adopt Resolution No. 2025-xx ordering the summary vacation of a portion of right-of-way at 174 East 19th Street and authorize the execution of the Quitclaim Deed by the Mayor and the City Clerk.

BACKGROUND:

At the request of the property owner, the Engineering Division has reviewed a request to vacate excess right-of-way at 174 East 19th Street. Attachment 1 depicts the proposed street vacation area.

Previous City and County Master Plans of Highways designated East 19th Street as a 4-lane highway; however, the Master Plan designation of the street was downgraded to a 2-lane collector street. As a result, the previously dedicated right-of-way required to construct a 4-lane highway is no longer required. Presently, East 19th Street has been constructed to fulfill the current Master Plan and Streets and Highways capacity requirements, thus leaving 10 feet of excess right-of-way along the property.

ANALYSIS:

In 1968, in accordance with the prior Master Plan, the 10-feet of right-of-way along East 19th Street was dedicated by easement document, Book 8726, Page 87, and recorded on September 19, 1968. East 19th Street at this location was not improved to the full dedication width, and was subsequently downgraded to a collector street, creating excess right-of-way.

Currently, there are no utilities within this portion of the public right-of-way; therefore, a reservation for a utility easement is not required. The Engineering and Transportation Services Divisions, as well as the Active Transportation Committee have reviewed the excess right-of-way. It was determined that East 19th Street is classified as a Class III bicycle facility. Consequently, additional right-of-way is not required for any motorist and/or non-motorist usage. Attachment 2 shows a typical street cross-section for this situation with East 19th Street being a Class III bicycle facility.

The vacation of this portion of excess right-of-way is in conformance with the objectives of the General Plan Circulation Element and conforms to the California Streets and Highways, 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 Active Transportation Committee reviewed the request for the subject easement vacation on September 5, 2024, and unanimously recommended the right-of-way vacation.

On November 12, 2024, 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-2024-28 (Attachment 3) finding that the proposed vacation of portion of East 19th Street excess right-of-way is consistent with the City's General Plan.

The vacation of streets or highways may proceed without a public hearing by meeting specific provisions of the California Streets and Highways Code, Sections 8330 through 8334.5, inclusive. The major conditions that must be met to avoid a public hearing are:

1. The road has not been used by the public for at least 5 years.
2. No utilities are constructed within the road.
3. Only one property ownership is affected.

Staff prepared the proposed resolution ordering the vacation of excess right-of-way (Attachment 4). Staff also recommend that a Quitclaim Deed be executed, relinquishing the City of any interest in said excess right-of-way (Attachment 5).

ALTERNATIVES:

The City could retain the excess right-of-way and continue to be responsible for its maintenance and safety. However, this portion of right-of-way is not necessary for any public or utility purposes and is not needed now, or in the future for any motorist and/or non-motorist public usage.

FISCAL REVIEW:

If this resolution is adopted, and once the area has been vacated, the County Assessor could potentially determine the area added to the property as taxable square footage. The revenue collected from the additional taxable area would be recorded in the City's General Fund (Fund 101).

LEGAL REVIEW:

The City Attorney's Office has reviewed this agenda report and resolution and approves them both as to form.

CITY COUNCIL GOALS AND PRIORITIES:

This item is administrative in nature.

CONCLUSION:

Staff recommends the City Council:

Adopt Resolution No. 2025-xx ordering the summary vacation of a portion of right-of-way at 174 East 19th Street and authorize the execution of the Quitclaim Deed by the Mayor and the City Clerk.