

Agenda Report

TO: CITY COUNCIL

Date: March 19, 2001

FROM: City Manager

SUBJECT: Summary Vacation of 10-Foot Strip of Public Right-of-Way Along the West Side of Huntington Garden Drive, From Old Mill Road to Approximately 156 Feet North of Old Mill Road (747 Old Mill Road)

RECOMMENDATION:

It is recommended that the City Council:

1. Adopt a resolution summarily vacating the following area:

A 10-foot strip of public right-of-way along the west side of Huntington Garden Drive described in Exhibit A, pursuant to Section 8331, 8333, and 8334 of the California Streets and Highways Code.

2. Certify the summary vacation to be categorically exempt from California Environmental Quality Act (CEQA). In accordance with Article 19, Sections 15301 Existing Facilities and 15304 Minor Alterations for Land, authorize the City Manager to execute and the City Clerk to file a Notice of Exemption for the Summary Vacation with the Los Angeles County Clerk.

BACKGROUND:

The owner of the property at 747 Old Mill Road has requested a summary vacation of a 10-foot strip of public right-of-way along the west side of Huntington Garden Drive, adjacent to their property, for the purpose of making additions to their existing single family home. Without the vacation the property owner would not be able to make the proposed additions due to side yard set back requirements. In addition, the vacation would cover existing private improvements that are currently in the public right-of-way.

The proposed summary vacation along the west side of Huntington Garden Drive is presently undeveloped. This portion of Huntington Garden Drive was obtained by the City as an easement for public purposes in 1924, through Tract No. 8603.

BACKGROUND: Continued

Staff has determined that the property to be vacated has no market value and is not considered surplus property subject to disposition pursuant to the City's surplus property ordinance. In addition, the department has determined that there is no need, present or future, to retain this area for its intended public purpose. As a result, staff recommends the adoption of a summary vacation except for the area indicated in Exhibit A to be reserved as an easement for public utility purposes.

AUTHORITY FOR SUMMARY VACATION:

Chapter 4 of the California Streets and Highways Code, entitled "Summary Vacation," provides for summary vacations by adoption of a resolution without prior notice.

Vacation of this area may be directed under Sections 8331(a) and (b), 8333(a), and 8334(a) of the California Streets and Highways Code. The vacation takes effect immediately upon the recording of the resolution.

Section 8331 has two conditions, where both must be met during the period of five consecutive years, (1) the portion has been impassable for vehicular travel, and (2) no public money was expended for maintenance on the portion. Both conditions are met.

Section 8333 has three conditions, only one of which must be met: the portion has not been used for its dedicated purpose for a period of five consecutive years preceding the proposed vacation. This condition has been met.

Section 8334 has two conditions, only one of which must be met: the excess right-of-way of street or highway is not required for street or highway purposes. This condition has been met.

If any evidence is presented at the time City Council votes to adopt the resolution which indicates that the portion does not meet any of the requirements of Sections 8331, 8333, or 8334, then that portion should be removed and considered for vacation using other statutory procedures.

TAX CONSEQUENCES:

The Assessor's office advises that the summary vacation of this area will not trigger reassessment.

FISCAL IMPACT:

This summary vacation will eliminate any potential responsibility for maintenance or liability to the City. The owner has paid the costs for preparing, processing, and recordation of the summary vacation. No revenue will be expended or generated by the adoption of this summary vacation.

Respectfully submitted,



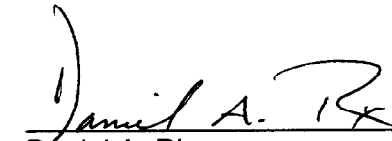
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