



Legislation Text

File #: 16-0717, **Version:** 1

Recommendation to adopt Resolution of Intention to vacate the un-named alley opening described in the Final Decree of Condemnation, Case No. C-2003, recorded January 30, 1930;

Set the date of September 20, 2016 for the public hearing on the vacation; and

Accept Categorical Exemption 16-123. (District 6)

The recommended vacation pertains to the condemnation for “Alley Opening” adjacent to 400 East Willow Street that runs alongside the former Pacific Electric Right-of-Way (ROW), in a northwest/southeast direction from Willow Street to the westerly prolongation of the un-named north/south alley as shown on the attached Exhibit A, Sketch No.938V.

In 2004, the former Pacific Electric ROW was developed while creating Fellowship Park. Ten feet, of the Fellowship Park property, adjacent to the existing ten foot wide public alley was used to construct a widened roadway which diverted the path of travel to intersect Willow Street without using the condemned alley opening. This alley change made the condemned alley opening unnecessary for public access use. Subsequently, the adjacent property owner west of the subject condemned alley opening made the request to vacate the alley opening. The Department of Public Works supports this action based on the following findings:

- A new roadway was constructed that provides access to Willow Street without using the condemned alley opening, which makes the 10-foot wide alley opening unnecessary for vehicular access use.
- The alley curb returns on Willow Street required for vehicular access into the condemned alley opening have been removed and full height curb, sidewalk and curb gutter was constructed making vehicular access to and from Willow Street impractical.
- An easement will be reserved for existing public utilities within the condemned alley opening.

Proceedings for this vacation are being conducted in accordance with Chapter 3, General Vacation Procedure, of the Public Streets, Highways and Service Easements Vacation Law of the California Streets and Highways Code. Findings must establish that the subject right-of-way is unnecessary for present or prospective public use. On June 2, 2016, the Planning Commission determined that the subject vacation action is consistent with the General Plan (Exhibit B). In conformance with the California Environmental Quality Act, Categorical Exemption Number 16-123 was issued for this project (Exhibit C).

The interested City Departments, including Fire and Police, have reviewed the proposed vacation and have no objections to this action.

A public hearing on this matter is to be held on September 20, 2016, that will allow all persons interested in, or objecting to, the proposed vacation to appear and be heard. At that time, the City Council will deliberate and take action on the proposed vacation.

This matter was reviewed by Deputy City Attorney Richard Anthony on July 25, 2016 and by Assistant Finance Director Lea Eriksen on July 22, 2016.

City Council action is requested on August 9, 2016, to set a hearing date on this matter for September 20, 2016.

There is no fiscal or local job impact associated with this recommendation.

Approve recommendation.

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CRAIG A. BECK
DIRECTOR OF PUBLIC WORKS

APPROVED:

PATRICK H. WEST
CITY MANAGER