



*City of Arts & Innovation*

# City Council Memorandum

**TO: HONORABLE MAYOR AND CITY COUNCIL** **DATE: JUNE 26, 2018**

**FROM: COMMUNITY & ECONOMIC DEVELOPMENT** **WARD: 5**  
**DEPARTMENT**

**SUBJECT: PLANNING CASE P18-0276 SUMMARY VACATION – PROPOSAL BY EDDER GOMEZ FOR THE SUMMARY VACATION OF EXCESS RIGHT-OF-WAY ALONG WHEELER STREET, APPROXIMATELY 130 FEET IN LENGTH AND 14 FEET IN WIDTH AND TOTALING APPROXIMATELY 1,969 SQUARE FEET, LOCATED ADJACENT TO 9006 CALIFORNIA AVENUE**

## **ISSUE:**

Approval of the Summary Vacation of excess right-of-way along Wheeler Street, approximately 130 feet in length and 14 feet in width and totaling approximately 1,969 square feet, located adjacent to 9006 California Avenue.

## **RECOMMENDATIONS:**

That the City Council:

1. Approve Planning Case P18-0276 Summary Vacation, subject to the recommended conditions ;
2. Adopt the attached resolution vacating approximately 1,969 square-feet of excess right-of-way; and
3. Authorize the City Manager, or his designee, to execute quitclaim deeds as necessary.

## **BACKGROUND:**

In 1956, the City of Riverside was conveyed a portion of the subject property equating to 1,969 square feet. The reason behind the conveyance of the real property in 1956 is unclear, however, it has been determined that the area is considered excess right-of-way.

## **DISCUSSION:**

This request is to summarily vacate an excess portion of right-of-way. The right-of-way is approximately 14 feet in width and 130 feet in length, totaling 1,969 square feet. The property owners were granted an encroachment permit in 1972 to use the excess the right-of-way to construct a fence for the backyard. This Summary Vacation will allow the property owners to

construct a 1,200 square foot addition to the home, while still maintaining the required minimum side-yard setback.

The following is a discussion of the facts and findings required for approval of a summary vacation:

- ***The property is excess right-of-way and is not required for street purposes.***

Wheeler Street is a local street and is fully dedicated at 33 feet from the street center line. Therefore, there is no benefit to the City in keeping the subject area of right-of-way, as there are no plans to widen the street.

- ***Access to adjoining properties will not be affected.***

Access to adjacent properties and public streets will not be affected. The adjacent residences are served by California Avenue and Wheeler Street. Upon vacation of the excess portion of right-of-way, the vacated land will be required to be consolidated with the adjoining property.

- ***These portions of the streets have been closed and impassable as a public road and no public funds have been expended on its maintenance for the last five years.***

The area to be vacated has been utilized as the property owner's backyard since 1972. No public funds have been expended on the maintenance of the right-of-way for street purposes within the last five years.

### **FISCAL IMPACT:**

There is no fiscal impact since all project costs are borne by the applicant.

Prepared by: David Welch, Interim Community & Economic Development Director  
Certified as to  
availability of funds: Adam Raymond, Chief Financial Officer/City Treasurer  
Approved by: Rafael Guzman, Assistant City Manager  
Approved as to form: Gary G. Geuss, City Attorney

### **Attachments:**

1. Aerial/Location Map
2. Summary Vacation Resolution
3. Legal and Plat Map
3. Recommended Conditions\