



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL **DATE: MARCH 21, 2017**

FROM: COMMUNITY & ECONOMIC DEVELOPMENT **WARD: 4**
DEPARTMENT

SUBJECT: PLANNING CASE P16-0821 BY MARK MUZILLA FOR THE VACATION OF 1,386
SQUARE FEET OF UNUSED RIGHT-OF-WAY – UNIMPROVED SEGMENT OF
CHICAGO AVENUE NORTH OF CRAYCRAFT DRIVE, ALSO KNOWN AS
GLENNEL DRIVE

ISSUE:

Approve the proposal by Mark Muzilla to summarily vacate an irregularly-shaped portion of right of way, approximately 44 feet in width and 25 feet in depth, totaling 1,386 square feet, on an unimproved segment of Chicago Avenue on the north side of Craycraft Drive, also known as Glennel Drive.

RECOMMENDATIONS:

That the City Council:

1. Approve Planning Case P16-0821 for the Summary Street Vacation, subject to the recommended conditions;
2. Adopt the attached resolution vacating approximately 1,386 square-feet of excess right-of-way; and
3. Authorize the City Manager to execute quitclaim deeds as necessary.

BACKGROUND:

On September 29, 2008, the City Council adopted Resolution No. 21715 to summarily vacate 3.12 acres of unimproved right-of-way consisting of Ferrari Drive between Chicago Avenue and Rusty Road, and Chicago Avenue starting 25 feet north of Craycraft Drive and ending at its northerly termination. This summary vacation inadvertently excluded the subject section of Chicago Avenue.

DISCUSSION:

This proposal is to summarily vacate the portion of right of way excluded from Resolution No.

21715. The right of way is approximately 4 feet in width and 25 feet in depth, totaling 1,386 square feet. It is located adjacent to a single family residence addressed as 18020 Glennel Drive. The portion of Chicago Avenue to be vacated is unimproved, impassable and does not provide access to any parcels. Should this summary vacation be approved, this case will remove the subject 1,386 square-foot area from the public right-of-way.

The following is a discussion of the findings required for approval of a summary vacation, and the relevant facts of this case as they pertain to the findings.

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

This right of way is not needed to access existing public right-of-way and is not designated by the General Plan Circulation and Community Mobility Element, Master Plan of Roadways as a local, collector or arterial street. The area to be vacated is not required for street purposes.

2. Access to adjoining properties will not be affected.

Access to adjacent properties and public streets will not be affected. The adjacent single family residence at 18020 Glennel Drive will remain accessible from Craycraft Drive. Upon vacation of the right-of-way, the vacated land would be required to be consolidated with the adjoining property.

3. 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 never been utilized or improved as passable public right-of-way. No public funds have been expended on the maintenance of the right-of-way for street purposes.

FISCAL IMPACT:

There is no impact to the General Fund, since all project costs are borne by the applicant.

Prepared by: Rafael Guzman, Community & Economic Development Director
Certified as to
availability of funds: Scott G. Miller, PhD, Chief Financial Officer/City Treasurer
Approved by: Al Zelinka, FAICP, Assistant City Manager
Approved as to form: Gary G. Geuss, City Attorney

Attachments:

1. Aerial/Location Map
2. Recommended Condition and General Information Notes
3. Summary Vacation Resolution