



*City of Arts & Innovation*

# City Council Memorandum

**TO: HONORABLE MAYOR AND CITY COUNCIL** **DATE: JULY 11, 2017**

**FROM: COMMUNITY & ECONOMIC DEVELOPMENT** **WARD: 1**  
**DEPARTMENT**

**SUBJECT: PLANNING CASE P17-0423 (SUMMARY ALLEY VACATION) - BY MARK RUBIN OF REGIONAL PROPERTIES, INC. AND TED WEGGELAND OF RAINCROSS DEVELOPMENT COMPANY, LLC ON BEHALF OF STALDER PLAZA, LP AND MARK RUBIN OF REGIONAL PROPERTIES, INC. AND TED WEGGELAND OF RAINCROSS DEVELOPMENT, LLC ON BEHALF OF R&W PARTNERS FOR THE VACATION OF A PORTION OF AN ALLEY, LOCATED MID-BLOCK BETWEEN MARKET STREET AND THE MAIN STREET PEDESTRIAN MALL**

## **ISSUE:**

Approval of a proposal by Mark Rubin of Regional Properties, Inc. and Ted Weggeland of Raincross Development Company, LLC on behalf of Stalder Plaza, LP and Mark Rubin of Regional Properties, Inc. and Ted Weggeland of Raincross Development, LLC on behalf of R&W Partners to summarily vacate a portion of alley that connects Mission Inn Avenue and Sixth Street, between Market Street and the Main Street Pedestrian Mall.

## **RECOMMENDATIONS:**

That the City Council:

1. Approve Planning Case P17-0423 (Summary Alley Vacation), subject to the recommended conditions (Attachment 2);
2. Adopt the attached resolution vacating approximately 2,044 square-feet of excess right-of-way (Attachment 3); and
3. Authorize the City Manager to execute quitclaim deeds as necessary.

## **BACKGROUND:**

In 1998, the subject alley was reconfigured to add 11 parking spaces for nearby businesses. In order to accommodate the additional parking, the southern portion of the 20 foot wide alley was shifted approximately 6 feet to the east. This realignment resulted in excess right-of-way along the southwestern portion of the alley.

## **DISCUSSION:**

This request is to summarily vacate an excess portion of alley right-of-way. The right-of-way is 15 feet wide and 131 feet deep, totaling 2,044 square feet. The portion of the alley to be vacated has been utilized for parking stalls since 1998 and does not provide access to any parcels. Should this summary vacation be approved, this case will remove the subject 2,044 square-foot area from the public right-of-way.

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

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

This alley 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 businesses are served by an existing alley, which connects Mission Inn Avenue to Sixth Street. Upon vacation of the excess portion of the alley, the vacated land will 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 been utilized for vehicle parking since 1998 and is impassable as a public road. 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 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 Conditions
3. Summary Vacation Resolution
4. Legal and Plat Map