



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL **DATE: APRIL 24, 2018**

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

SUBJECT: PLANNING CASE P18-0179 FOR A SUMMARY STREET VACATION BY STEVE SMITH OF CALIFORNIA BAPTIST UNIVERSITY - SUMMARILY VACATE 6,708 SQUARE FEET OF UNACCEPTED OFFER OF DEDICATION ON THE SOUTH SIDE OF MAGNOLIA AVENUE BETWEEN ADAMS STREET AND CROWELL AVENUE

ISSUE:

Approve a proposal by Steve Smith of California Baptist University to summarily vacate a segment of an unaccepted offer of right of way dedication on the south side of Magnolia Avenue between Adams Street and Crowell Avenue.

RECOMMENDATIONS:

That the City Council:

1. Approve Planning Case P18-0179 for the Summary Street Vacation, subject to the recommended conditions;
2. Adopt the attached resolution vacating approximately 6,708 square feet of unaccepted offer of right of way dedication; and
3. Authorize the City Manager to execute quitclaim deeds as necessary.

BACKGROUND:

On July 24, 2001, the City Council approved Planning Case RZ-017-001 (Rezone) to rezone approximately 6.34 acres of land located at the southeast corner of Adams Street and Magnolia Avenue to facilitate future commercial, single-family and multi-family development. A condition of approval required the dedication of 42-feet along the Magnolia Avenue frontage for the widening of Magnolia Avenue. The offer of dedication (Document No. 2001-579590) was recorded in 2001; however, the offer of dedication was never accepted and therefore the widening of Magnolia Avenue was never constructed.

DISCUSSION:

The proposed summary street vacation will vacate a segment of Magnolia Avenue, currently an unimproved segment approximately 42 feet in width and 153 feet in length, totaling approximately 6,708 square feet (0.154 acres) in area. The offer of dedication to be vacated is unimproved. Should this summary vacation be approved, this case will quitclaim the subject 6,708 square foot area of offer of dedication for public street and highway purposes.

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.*

Although Magnolia Avenue is designated by the General Plan Circulation and Community Mobility Element, Master Plan of Roadways as an arterial, parkway, special boulevard, and scenic boulevard, the subject area is not needed to access existing public right-of-way. 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 commercial property to the west takes access directly from Adams Street and Magnolia Avenue. The adjacent multi-family property to the east takes access from an existing Magnolia Avenue frontage road.

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 not been accepted as right-of-way and has not been improved and is therefore impassable as a public road. No public funds have been expended for maintenance of the offer of right-of-way dedication 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: Adam Raymond, 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 Photo
2. Recommended Conditions
3. Summary Vacation Resolution