



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL **DATE: MARCH 26, 2019**

FROM: COMMUNITY & ECONOMIC DEVELOPMENT **WARD: 2**
DEPARTMENT

SUBJECT: P18-0960 SUMMARY STREET VACATION BY BOB MCMATH OF REF&C DATA CORRELATION MANAGEMENT SERVICES, LLC FOR THE VACATION OF 8,070.8 SQUARE FEET OF UNUSED RIGHT-OF-WAY- UNIMPROVED SEGMENT OF COTTONWOOD AVENUE WEST OF OLD 215 FRONTAGE ROAD

ISSUE:

Approve a proposal by Bob McMath of REF&C Data Correlation Management Services, LLC to summarily vacate an irregularly-shaped portion of right of way, approximately 49 feet in width and 174 feet in depth, totaling 8,070.8 square feet. The right of way is an unimproved segment of Cottonwood Avenue west of Old 215 Frontage Road. The area proposed to be vacated is excess right-of-way and is no longer needed for street purposes.

RECOMMENDATIONS:

That the City Council:

1. Approve Planning Case P18-0960 Summary Street Vacation, subject to the recommended conditions;
2. Adopt the attached resolution vacating approximately 8,070.8 square feet of excess right-of-way; and
3. Authorize the City Manager to execute quitclaim deeds as necessary.

BACKGROUND:

On February 23, 2016, the City Council adopted Tract Map 36888 subdividing 20.67 acres into five parcels generally located at the southwest corner of Old 215 Frontage Road and Cottonwood Avenue (Attachment 1). Vacation of this unused Cottonwood Avenue right-of way was inadvertently excluded from the Tract Map.

DISCUSSION:

The portion of Cottonwood 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 8,070.8 square foot area from the public right-of-way.

The following summarizes 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 proposed street vacation is associated with the unimproved section of Cottonwood Avenue only. Access to the adjacent properties will continue to be provided from the improved portion of Cottonwood Avenue. 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 a 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 fiscal impact associated with this action, since all project costs are borne by the applicant.

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

Attachments:

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