

# City Council Memorandum

City of Arts & Innovation

TO: HONORABLE MAYOR AND CITY COUNCIL      DATE: OCTOBER 6, 2020  
FROM: COUNCILMEMBER STEVE HEMENWAY      WARD: 7  
SUBJECT: 5696 AND 5698 PEGGY LANE – SUMMARY STREET VACATION APPLICANT FEE WAIVER

**ISSUE:**

Applicant fee waiver for the standard Summary Street Vacation in the amount of \$2,133 associated with a potential street vacation application involving 5696 and 5698 Peggy Lane.

**RECOMMENDATION:**

That the City Council approve the applicant fee waiver for the standard the Summary Street Vacation Review in the amount of \$2,133 related to a potential street vacation application involving 5696 and 5698 Peggy Lane with the Public Works Department paying the fee for the Summary Street Vacation Review.

**BACKGROUND:**

Peggy Lane is residential street serving 11 residential properties and is configured with a blunt dead-end at the westerly terminus. The street is paved with a concrete drainage ribbon in the center of the roadway. Peggy Lane is not equipped with curb, sidewalk, or a standard cul-de-sac turnaround to facilitate turning maneuvers for residents, roadway users, and emergency service providers. In 1970, the City acquired a portion of 5696 Peggy Lane for the cul-de-sac construction as part of a condition of a building permit for that property. In 2005, the City acquired the remaining right-of-way necessary for the construction of the cul-de-sac from 5698 Peggy Lane also as a condition of a building permit. In 2007, the Public Works Department began to survey and stake the proposed cul-de-sac turnaround but the homeowner from 5698 Peggy Lane realized the improvements would remove a significant portion of the property's front yard and the terminus of the cul-de-sac would be in close proximity to the home. The homeowner immediately contacted the Public Works Department and requested that the project stop and rescinded support for the street improvements.

**DISCUSSION:**

The City acquired the right-of-way for the construction of the cul-de-sac from 5696 and 5698 Peggy Lane via conditions of building permits and did not financially compensate either homeowner for the right-of-way dedication. Since the homeowner of 5698 Peggy Lane rescinded

support for the street improvements, the Public Works Department was unable to construct the project and a summary street vacation is necessary to return the land back to both property owners.

Former Ward 7 Councilmember Adams met with staff and homeowners to help resolve the matter and was in general support of waiving the Summary Vacation Review application fee for the applicants as an equitable gesture since neither homeowner was financially compensated for the property dedication. Even though neither property owner would be responsible for the application fee associated with the street vacation, the Public Works Department would pay the cost to process the street vacation in order for staff to charge to process the application, prepare the legal description, prepare the exhibit, and file necessary documentation with the County of Riverside Assessor-County Clerk-Recorder's Office.

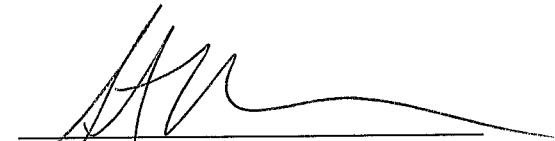
Per Attachment 1, the City would return most of the property back to both homeowners although it would retain some property and would require the homeowner from 5698 Peggy Lane to dedicated approximately 407 square feet in order to establish a "hammerhead" turnaround. In lieu of the standard cul-de-sac, the Fire Department requires a "hammerhead" turnaround to facilitate turning maneuvers by fire engines and larger emergency vehicles when responding to incidents on Peggy Lane.

Staff met with both property owners and they are supportive of the recommended approach, design concept, and necessary right-of-way dedication to establish the hammerhead turnaround.

**FISCAL IMPACT:**

If approved, there are sufficient funds in the Public Works Department Miscellaneous Street Construction account 9507027-440223 to cover the Summary Street Vacation Review fee, in the amount of \$2,133, for the street vacation application for 5696 and 5698 Peggy Lane.

Prepared by:



STEVE HEMENWAY  
Councilmember, Ward 7

Approved as to form: Gary G. Geuss, City Attorney