

City of Hesperia STAFF REPORT



DATE: November 19, 2024
TO: Mayor and Council Members
FROM: Rachel Molina, City Manager
BY: Cassandra Sanchez, Director of Public Works
Dena Alcayaga, Administrative Analyst
SUBJECT: Vacate a Portion of Hercules Avenue

RECOMMENDED ACTION

It is recommended that the City Council hold a public hearing to receive public comments pursuant to Section 8320, subdivision (a) of the California Streets and Highways Code, and adopt Resolution 2024-57 to vacate the southerly 10 feet of Hercules Avenue between Third Avenue and Hesperia Road as described in attachments Exhibit "A" and Exhibit "B."

BACKGROUND

The current right-of-way on Hercules Avenue between Third Avenue and Hesperia Road is 40 feet half-width from center line of Hercules Avenue. Hercules Avenue is not identified as part of the Hesperia Traffic Circulation Plan therefore, minimum road width requirement is only 30 feet half-width from center line.

9980 Hesperia Rd, LLC is the current property owner of APN: 0407-061-11 and they intend to develop this parcel which is located on the southwest corner of Hercules Avenue and Hesperia Road. 9980 Hesperia Rd, LLC has been approved under site plan review SPR23-00017 to construct a 14-unit apartment complex. 9980 Hesperia Rd, LLC has formally submitted their application to request to vacate the southerly 10 feet of Hercules Avenue between Third Avenue and Hesperia Road to conform with the approved site plan submitted under the site plan review.

City staff does not anticipate that the southerly 10 feet of Hercules Avenue between Third Avenue and Hesperia Road will ever be needed for public access. Therefore, staff has concluded that there is no reason to retain right-of-way in this area and the 10 feet of land is to be reverted-back to the respective property owners.

ISSUES/ANALYSIS

Public right-of-way should be vacated upon finding that those areas are no longer required for public access. Staff has reviewed the application and determined that this dedication for highway and road purposes is not needed.

Streets and Highways Code Section 8320 allows local agencies to vacate any streets, highways, and public service easements by resolution. Streets and Highways Code Section 8320 also requires that a public hearing be held for all persons interested in the proposed vacation not less than 20 days after the initiation of proceedings and requires local agencies to post Notices of

Vacation along the street proposed to be vacated. Notices of Vacation were posted on October 23, 2024 along the proposed vacation site. These notices include the intent of the City of Hesperia to vacate the southerly 10 foot of Hercules Avenue between Third Avenue and Hesperia Road as described in attachments Exhibits "A" and "B" as well as the date and time of the public hearing.

The proposed area, once vacated, will become private property, and thereby is not required for street or highway purposes under Section 8334, subdivision (a) of the Streets and Highways Code.

CITY GOAL SUPPORTED BY THIS ITEM

Future Development- Facilitate balanced growth to ensure cohesive community development and pursue economic development.

FISCAL IMPACT

There is no fiscal impact associated with this action.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Resolution No. 2024-57
2. Exhibit "A" – Legal Description
3. Exhibit "B" – Plat Map