

City of Hesperia

STAFF REPORT



DATE: May 7, 2019

TO: Mayor and Council Members

FROM: Nils Bentsen, City Manager

BY: Michael Blay, Assistant City Manager
Jamie Carone, Administrative Analyst

SUBJECT: Vacate Portions of Opal 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 2019-015 to vacate two portions of land west of Opal Avenue as described in attachments Exhibit "A" and Exhibit "B".

BACKGROUND

The property owner of APN 0405-144-23 submitted a request via a Letter of Intent to Vacate requesting that the City of Hesperia vacate two previously dedicated portions of the aforementioned parcel. The subject portions of the parcel that were dedicated to the City include the westerly thirty-feet of the parcel as well as that portion of Opal Avenue, shown as the southwesterly portion of an "off-set" cul-de-sac, as shown on Exhibit B, but leaving, intact, the west thirty-feet of Opal Avenue, across the entire property frontage as shown on said Exhibit.

Previously, at the City's request, the property owner dedicated the westerly thirty-feet of the parcel to the City via an Irrevocable Offer of Dedication in anticipation of a future roadway. However, City Staff no longer anticipates the construction of a road in this area and has determined the thirty-feet of dedicated land are no longer needed for public access. Therefore, City Staff supports the vacation of the aforementioned section of land.

Along with the westerly thirty-feet of APN 0405-144-23, the City also requested that the property owner dedicate to the City a portion of the northeastern corner of the parcel along the west side of Opal Avenue. This dedication was taken for the construction of a future cul-de-sac at the end of Opal Avenue to allow turn-around access for San Bernardino County Fire Department; however, the property owner obtained a letter from the Fire Prevention Supervisor for San Bernardino County Fire Department stating that there is adequate turn-around access and a future cul-de-sac is not necessary. On the grounds that the construction of a cul-de-sac was the sole reason for dedicating this portion of the parcel, City Staff supports the vacation of this portion of land back to the property owner.

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 these dedications for highway and road purposes are not needed.

Streets and Highways Code Section 8320 allows local agencies to vacate any streets, highways, and public service easements by resolution. Street and Highways Code Section 8320 also requires that a public hearing be held for all persons interested in the proposed vacation not less than 15 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 April 11, 2019 along the proposed vacation site. These notices include the intent of the City of Hesperia to vacate two portions of land west of Opal Avenue as described in attachments Exhibits "A" and "B" as well as the date and time of the public hearing.

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

FISCAL IMPACT

There is no fiscal impact associated with this action.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Resolution No. 2019-015
2. Exhibit "A" – Legal Description
3. Exhibit "B" – Plat Map
4. Aerial Photo