

# City of Hesperia STAFF REPORT



**DATE:** May 5, 2020  
**TO:** Mayor and Council Members  
**FROM:** Nils Bentsen, City Manager  
**BY:** Michael Blay, Assistant City Manager  
Jamie Carone, Administrative Analyst  
**SUBJECT:** Vacate Portion of Chestnut Street and A Street

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## 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 2020-023 to vacate a portion of Chestnut Street and A Street.

## BACKGROUND

The owner of APN 0410-193-31 and APN 0410-091-32 wishes to develop these two parcels which are located on Chestnut Street between Santa Fe Avenue E and A Street and have requested that the City vacate the southern thirty feet, of both parcel, along Chestnut Street as well as the eastern thirty feet of APN 0410-091-31 along A Street. The applicant is requesting the vacation of an underlying easement that remains on their property though the street right of way dedication has previously been vacated. The vacation will occur on a private easement which is not within the public right of way.

City Staff does not anticipate that these portions of APN 0410-193-31 and 0410-091-32 along Chestnut Street and A Street will ever be needed for public access. Therefore, City Staff has concluded that there is no reason to retain right of way or an easement on either of these two parcels.

## 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 16, 2020 along the proposed vacation site. These notices include the intent of the City of Hesperia to vacate a portion of Darwin 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. 2020-023
2. Exhibit "A" – Legal Description
3. Exhibit "B" – Plat Map
4. Aerial View Map