



CITY OF GLENDALE, CALIFORNIA REPORT TO THE CITY COUNCIL

AGENDA ITEM

Report: The Summary Vacation of the City of Glendale's Flood Control Easement located on residential property at 1624 Arboles Drive.

1. Resolution Ordering the Summary Vacation of the City of Glendale's Flood Control Easement on property located at 1624 Arboles Drive, Glendale, CA 91207

COUNCIL ACTION

Item Type: Consent Calendar

Approved for December 6, 2022 **calendar**

EXECUTIVE SUMMARY

The City of Glendale has two easements for flood control purposes on the residential property at 1624 Arboles Drive. The property owner intends to construct an accessory dwelling unit (ADU) on their property at the location of one of the flood control easements, and has requested that the City summary vacate the easement.

Public Works Department staff has investigated and determined that the easement in question is superseded by the second flood control easement and is no longer required by the City and recommends that the easement in question be summary vacated.

COUNCIL PRIORITIES

Housing: Will allow the addition of an accessory dwelling unit (ADU) with a single family home on a residential lot.

RECOMMENDATION

That the City Council adopt a Resolution Ordering the Summary Vacation of the easement for flood control purposes granted to the City of Glendale on Tract Map No. 11057 in Book 196, Pages 22 – 26 of Maps, County of Los Angeles, State of California, and authorize the City Manager to execute any other documentation as may be required to accomplish said summary vacation.

BACKGROUND

State of California Streets and Highways Code Section 8333 allows the legislative body of a local agency to summarily vacate a public service easement in either one of the following instances:

- (a) The easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation;
- (b) The date of dedication or acquisition is less than five years, and more than one year, immediately preceding the proposed vacation, and the easement was not used continuously since that date; or
- (c) The easement has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities located within the easement.

The Summary Vacation process differs from the traditional Vacation process in that a public hearing is not required. If any of the above circumstances are met, the City Council can adopt a Resolution to summarily vacate a public service easement.

In January 1937, an easement for flood control purposes was granted to the City of Glendale on Tract Map No. 11057 in Book 196, Pages 22 – 26 of Maps, County of Los Angeles, State of California (Easement 1). Subsequently, an easement for Flood Control was granted to the City of Glendale by Easements. This easement was recorded on September 4, 1937, in Book 15191, Page 301 of Official Records, County of Los Angeles, State of California (Easement 2). The property and easements are shown on Exhibit “C” - Location Map.

The property located at 1624 Arboles Drive (Property) belongs to the Andrzej Krol and Monika Krol, as Co-trustees of The Andrzej and Monika Krol Family Trust, Dated December 2, 2008 (Owners). In January 2021, the Owners’ architect approached the City of Glendale PWD to vacate Easement 1 in the rear of their property to allow the construction of an Accessory Dwelling Unit (ADU).

ANALYSIS

After investigation of Easement 1 and Easement 2, PWD determined that no flood control facilities were constructed in Easement 1 on the Property. And, that Easement 2 is available in the future if the City determines that flood control facilities are required. Additionally, PWD has confirmed that there are no other public facilities located within Easement 1.

Therefore, the vacation qualifies for the summary vacation process, under Streets and Highways Code Section 8333(c). The City's Easement for Flood Control Purposes (Easement 1) proposed to be vacated is depicted in Exhibits "A" & "B" attached hereto.

STAKEHOLDERS/OUTREACH

PWD has worked with the property owner to facilitate the vacation of the easement.

FISCAL IMPACT

There is no fiscal impact associated with this report.

ENVIRONMENTAL REVIEW

This item is considered a ministerial activity and therefore, not subject to CEQA review.

CAMPAIGN DISCLOSURE

Not applicable.

ALTERNATIVES

- Alternative 1: Approve the attached Resolution. City Staff will record a certified copy of the Resolution vacating the flood control easement. This will allow the property owner to construct an ADU on their property.
- Alternative 2: Do not approve the attached Resolution. The property owner will not be allowed to construct an ADU on the location of the easement.
- Alternative 3: The City Council may consider any other alternative not proposed by staff.

ADMINISTRATIVE ACTION

Prepared by:

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Reviewed by:

Yazdan T. Emrani, P.E., Director of Public Works

Approved by:

Roubik R. Golanian, P.E., City Manager

EXHIBITS/ATTACHMENTS

Exhibit A: Legal Description of Flood Control Easement to be Summary Vacated.

Exhibit B: Drawing Showing Location of Flood Control Easement to be Summary Vacated.

Exhibit C: Location Map