



CITY OF GLENDALE, CALIFORNIA REPORT TO THE CITY COUNCIL

AGENDA ITEM

Report: The Summary Vacation of the City of Glendale's Easements and Right of Way for Public Utility Purposes on property located at 2361 Gardner Place.

1. Resolution Ordering the Summary Vacation of the City of Glendale's Easements and Right of Way for Public Utility Purposes on property located at 2361 Gardner Place, Glendale, CA 91206

COUNCIL ACTION

Item Type: Consent Calendar

Approved for December 6, 2022 **calendar**

EXECUTIVE SUMMARY

The City of Glendale acquired easements and right of way for public utility purposes on a vacant residential property at 2361 Gardner Place. The property owner intends to construct a single-family home, and has requested that the City summary vacate the easements and right of way for public utility purposes.

Public Works Department staff has investigated and determined that the easements and right of way for public utility purposes are no longer required by the City and recommends that the easements and right of way in question be summary vacated.

COUNCIL PRIORITIES

Housing: Will allow the development of a single family home on a vacant residential lot.

RECOMMENDATION

That the City Council adopt a Resolution Ordering the Summary Vacation of the easements and right of way for public utility purposes granted to the City on Tract Map No. 10232 in Book 146, Pages 60 - 62 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- (c) The easement has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities located within the easement.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 February 1928, easements and right of way for public utility purposes were granted to the City of Glendale on Tract Map No. 10232 in Book 146, Pages 60 - 62 of Maps, County of Los Angeles, State of California.

The property located at 2361 Gardner Place (Property) belongs to Henry Laguna and Damaris Laguna, husband and wife as community property (Owners). In November 2019, the Owners' approached the City of Glendale PWD to request vacation of the easements and right of way for public utility purposes to allow the construction of a single family home.

ANALYSIS

After investigation the Public Works Department has determined that no public utility facilities were constructed on the Property. Additionally, staff has confirmed that there are no other public facilities located within the easements and right of way for public utility purposes.

Therefore, the vacation qualifies for the summary vacation process, under Streets and Highways Code Section 8333(c). The City's Easements and Right of Way for Public Utility Purposes proposed to be vacated is depicted in Exhibits "A" & "B" attached hereto.

STAKEHOLDERS/OUTREACH

Staff 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 easements and right of way for public utility purposes. This will allow the property owner to construct a single family house on the property.
- Alternative 2: Do not approve the attached Resolution. The Owners will not be able to build a single family house on the existing 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 Easements and Right of Way for Public Utility Purposes proposed for summary vacation.

Exhibit B: Map of Easements and Right of Way for Public Utility Purposes proposed for summary vacation.