



## **CITY COUNCIL STAFF REPORT**

**ITEM NO. 5.16**

**DATE:** July 24, 2023

**TO:** Honorable Mayor and City Council

**FROM:** Paul Spence, Community Development Director

**SUBJECT:** Resolution to summarily vacate a public right-of-way, known as Lot 6 of Parcel Map 6986, and retain the rights of the existing public utility easement within Lot 6, located at Las Positas Road and Bennett Drive.

### **RECOMMENDED ACTION**

Staff recommends the City Council adopt a resolution to summarily vacate a right-of-way known as Lot 6 of Parcel Map 6986 but retain the rights of the existing public utility easement within Lot 6 and authorize the City Manager to quitclaim Lot 6 (right-of-way) to TH Arroyo Vista LLC, a California Limited Liability Company.

### **SUMMARY**

Staff proposes to vacate a right-of-way known as Lot 6 of Parcel Map 6986 as depicted in the vicinity map (Attachment 1) and as described in the Plat and Legal Description, Exhibit A to the resolution. This vacation fulfills the City's obligation noted on Parcel Map 6986 that states after the realigned streets of Las Positas Road and Bennett Drive are constructed, the City shall deed Lot 6 to the owner of Lot 5, retaining the rights of the existing public utility easements within Lot 6.

The roadway improvements realigning the intersection of Las Positas Road and Bennett Drive have been completed and this right-of-way is no longer needed. Therefore, the City can summarily vacate the right-of-way known as Lot 6 of Parcel Map 6986 and authorize the execution of the quitclaim deed releasing the right-of-way to TH Arroyo Vista LLC, a California Limited Liability Company (Property Owner of Lot 5), retaining the rights of the existing public utility easements within Lot 6.

### **DISCUSSION**

On July 24, 2017, the City Council approved Vesting Tentative Tract Map 8379 Arroyo Vista for the development of 435 residential units. The first phase of the tentative map, consisting of 86 single family homes and 109 row townhome units, is located on the west side of the Arroyo Seco Channel along Las Positas Road. The second phase of the tentative map, consisting of 132 row townhomes and 108 duet flats, is located on the east side of the Arroyo Seco Channel for the Arroyo Vista subdivision along Las

Positas Road and Bennett Drive.

The tentative map conditions of approval include the requirement that the City vacate Lot 6 of Parcel Map 6986 (public right-of-way) located at the intersection of Las Positas Road and Bennett Drive, retaining the rights of the existing public utility easements within Lot 6. Parcel Map 6986 states after the realignment of Las Positas Road and Bennett Drive are constructed, the City shall deed Lot 6 to the owner of Lot 5, retaining the rights of the existing public utility easements within Lot 6. This right-of-way is no longer needed due to the completion of the realignment of Las Positas Road and Bennett Drive. Lot 6 right-of-way conflicts with building footprints and walkways approved as part of the second phase of the tentative map for the Arroyo Vista project. The vacation of this right-of-way will facilitate the development of the second phase of the tentative map.

Government Code Section 65402(a) requires that if a General Plan has been adopted, no real property or easements used for public purposes shall be acquired or disposed of until the location, purpose, and extent of such acquisition or disposition has been reported upon by the planning agency (e.g. Planning Commission) as to conformity with its adopted General Plan. This includes vacation of public right-of-way needed for public purposes in whole or in part.

On June 6, 2023, the Planning Commission adopted a resolution approving Consistency Determination (CD) 23-001, finding that the right-of-way known as Lot 6 is no longer needed for public highway purposes and that the vacation of this right-of-way is consistent with the General Plan.

### **FISCAL AND ADMINISTRATIVE IMPACTS**

The financial burden to maintain this unused public right-of-way in a safe condition is greater than its public value. By vacating the property, the City eliminates the need to maintain the property and reduces associated liability resulting in a minor financial benefit to the City.

### **COMMUNITY PILLAR**

2: A Safe Community that Thrives

### **GOAL**

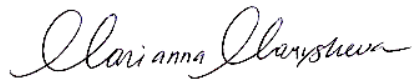
9: Facilitate new residential development consistent with the City's General Plan

### **ATTACHMENTS**

1. Vicinity Map
2. Resolution
3. Exhibit A - Lot 6 (right-of-way) Plat & Legal Description
4. Exhibit B - Quitclaim Deed, TH Arroyo Vista LLC

Prepared by: Hamm Inthavong  
Senior Engineering Technician

Approved by:



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Marianna Marysheva  
City Manager

Fiscal Review by:



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Tina Olson  
Administrative Services Director