



REPORT TO CITY COUNCIL

DATE: JANUARY 25, 2017

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER 

BY: RAMIRO ADEVA, DIRECTOR OF PUBLIC WORKS/CITY ENGINEER 

SUBJECT: PUBLIC HEARING TO CONSIDER THE ADOPTION OF RESOLUTION NO. 17-1834; APPROVING THE VACATION OF A PORTION OF RIGHT-OF-WAY ON ROADSIDE DRIVE, WEST OF ROADSIDE ROAD

On December 3, 2015, the Planning Commission approved Site Plan/Architectural Case No. 14-SPR-003, Oak Tree Permit No. 14-OTP-016, Vesting Tentative Parcel Map No. 73266, and Variance Case No. 14-VAR-003 for the Agoura Park Project (Rosenheim & Associates for Selleck Development Group, Inc.), allowing for the development of a new 45,000 square-foot, two-story fitness facility building; and a 4,000 square-foot, one-story retail/fast service restaurant building, located at 29431 and 29439 Agoura Road, on the west side of Roadside Road. The City Council considered an appeal of the Planning Commission's decision on January 27, 2016, and upheld the Planning Commission's approval of the project, subject to additional changes and conditions. Included with the project's conditions of approval was the requirement for the City to vacate the remaining portion of Roadside Drive, west of Roadside Road.

The right-of-way was originally acquired by the State of California in conjunction with the U.S. 101 Freeway for fee ownership. After construction was completed, the State transferred the excess right-of-way to the County of Los Angeles, which was eventually inherited by the City upon incorporation. This portion of Roadside Drive has not been used for years, and is currently blocked by K-Rail barriers. Staff finds that the remaining portion of Roadside Drive proposed to be vacated is not an essential part of the transportation network within the City. However, the applicant is required to construct a private driveway in the abandoned area for Fire Department access to the fitness facility; and to provide ingress/egress to the adjacent property to the west.

Section 8300 et seq. of the California Streets and Highway Code allows for a non-summary vacation of public right-of-way if the City finds that such a vacation conforms to the General Plan; that the portion of roadway easement in question is no longer necessary for present or prospective public use; and that the right-of-way in question would not be useful for present or prospective public use. However, there are utility easements within the same area of roadway easement. Therefore, the underlying easements for the utilities shall be preserved.

Pursuant to the project's conditions of approval, the applicant filed an application for the street vacation (Case No. ABN-01304-2016 Selleck Development Group, Inc.). On December 1, 2016, the Planning Commission determined the vacation and future sale of the public land conforms with the General Plan Infrastructure and Community Services Element, Mobility Section.

On December 14, 2016, the City Council unanimously approved Resolution No. 16-1830, declaring the Council's intention to vacate the portion of Roadside Drive, and setting the public hearing date for January 25, 2017.

Should the street vacation be approved by City Council, as proposed, Roadside Drive would continue to serve as part of a balanced roadway system that provides adequate accessibility to existing and future land uses. In addition, the vacation would be in conformance with the Mobility Section of the City's General Plan, in that sufficient road right-of-way will remain after the vacation, and will not alter the right-of-way needed for Roadside Drive as it currently exists.

The proposed resolution has been reviewed by the City Attorney and approved as to form.

RECOMMENDATION

Staff respectfully recommends the City Council:

1. Approve Resolution No. 17-1834, to vacate a portion of right-of-way on Roadside Drive, west of Roadside Road, reserving utility easements; and
2. Authorize the City Clerk to forward a certified copy of the Resolution to the Los Angeles County Recorder's Office for recording.

Attachments: Resolution No. 17-1834
Exhibit "A"- Legal Description
Exhibit "B"- Map of Area to be Vacated

RESOLUTION NO. 17-1834

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, ORDERING THE VACATION OF A PORTION OF ROADSIDE DRIVE, WEST OF ROADSIDE ROAD

WHEREAS, the City of Agoura Hills ("City") received an application from Selleck Development Group, Inc., requesting approval of the vacation of a portion of Roadside Drive, west of Roadside Road, on property generally described as an irregular shaped 22,369 sq. ft. parcel comprised of vacant land and an asphalt paved road.

WHEREAS, the portion of Roadside Drive, west of Roadside Road, is unnecessary for present or prospective public use because the result would only be the loss of vacant land and a portion of a paved roadway, and the remaining roadway on Roadside Drive would be sufficient in size to meet the Circulation Infrastructure and Community Services Element's goal for the area.

WHEREAS, the vacation will conform to the General Plan of the City of Agoura Hills, including the Infrastructure and Community Services Element, in that the portion of Roadside Drive to be vacated is not an essential part of the City's transportation network.

WHEREAS, the portion of Roadside Drive to be vacated is legally described in Exhibit "A" and depicted in Exhibit "B" attached hereto and incorporated herein by reference.

WHEREAS, the City of Agoura Hills elects to proceed with respect to said street vacation under the provisions of California Streets and Highways Code, Sections 8300 *et seq.*

WHEREAS, on December 1, 2016, the Planning Commission of the City of Agoura Hills reviewed this street vacation and adopted a resolution finding the street vacation to be in conformance with the City of Agoura Hills General Plan pursuant to California Government Code Section 65402(a).

WHEREAS, on December 14, 2016, the City Council adopted Resolution No. 16-1830, declaring its intention to vacate a portion of Roadside Drive and setting a public hearing regarding the proposed vacation for January 25, 2017. Pursuant to California Streets and Highways Code Section 8323, the public hearing notice was posted on the portion of Roadside Drive proposed to be vacated, two weeks before the date of the public hearing. Pursuant to California Streets and Highways Code Section 8322, notice of the public hearing was published in the Acorn Newspaper for two consecutive weeks before the hearing.

WHEREAS, on January 25, 2017, the City Council held a duly noticed public hearing to receive and consider any objection to the proposed vacation. Following the receipt of public testimony, the City Council closed the hearing.

WHEREAS, pursuant to the State of California Public Resources Code and State Guidelines for the California Environmental Quality Act (CEQA), this is consistent with the Final Initial Study/Mitigation Negative Declaration adopted for the Agoura Park Project (Vesting Tentative Map No. 73266, and Site Plan/Architectural Review Case No. 14-SPR-003).

WHEREAS, although the portion of Roadside Drive proposed to be vacated is a public right-of-way, it is closed and unused.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AGOURA HILLS RESOLVES:

Section 1. The City Council specifically finds that the facts and determinations contained in the Recitals to this Resolution are true and correct.

Section 2. The City Council hereby finds that the portion of Roadside Drive, west of Roadside Road, as described in Exhibits "A" and depicted in Exhibit "B," attached hereto and incorporated herein by reference, is unnecessary for present or prospective public street purposes, pursuant to Streets and Highways Code Section 8324(b). The City Council supports this determination based upon all of the evidence on the record and the following specific findings:

- A. The proposed vacation of the portion of Roadside Drive is justified under Streets and Highways Code Section 8320, *et seq.* because the street is unnecessary for present or prospective public use.
- B. The proposed vacation conforms to the General Plan of the City of Agoura Hills, including the Circulation Element.
- C. The proposed vacation of the portion of Roadside Drive, as described in Exhibit "A" and depicted in Exhibit "B", is in the interest of the public health, safety, and general welfare by eliminating unnecessary street right-of-way.

Section 3. The City Council hereby vacates and abandons the portion of Roadside Drive, west of Roadside Road, as described in Exhibit "A" and depicted in Exhibit "B," attached hereto and incorporated herein by reference, subject to the following reservations and exceptions:

- A. Pursuant to Streets and Highways Code Section 8340, the City reserves and excepts from the vacation an easement and right, at any time, or from time to time, to construct, maintain, operate,

replace, remove and renew sanitary sewers and storm drains and appurtenant structures in, upon, over or across the street to be vacated, and pursuant to any existing franchise or renewals thereof, to construct, maintain, operate, replace, remove, renew and enlarge pipes and other structures, equipment and fixtures for the operation of gas pipelines, telegraphic and telephone lines, and for the transportation and distribution of electrical energy, petroleum, ammonia and water.

- B. The City reserves and excepts from the vacation any easement and right necessary to maintain, operate, remove, replace or renew any public utility facilities.

Section 4. The City Council declares its intent that in the event there is a discrepancy between the legal description of the public right-of-way to be vacated, described in Exhibit "A" and the depiction of the public right-of-way to be vacated, depicted in Exhibit "B," the depiction shall control.

Section 5. The City Council authorizes and directs the City Clerk to record a certified copy of this Resolution, attested by the City Clerk and under the seal of this City, with the Recorder's Office of Los Angeles County, in accordance with Section 8336 of the California Streets and Highways Code.

Section 6. The Mayor shall sign and the City Clerk shall attest to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 25TH day of January, 2017.

AYES: (0)
NOES: (0)
ABSTAIN: (0)
ABSENT: (0)

By: _____
Denis Weber, Mayor

ATTEST:

Kimberly M. Rodrigues, City Clerk

EXHIBIT "A"

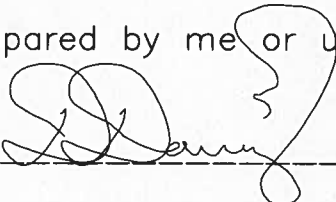
LEGAL DESCRIPTION

Vacation of Portion of Roadside Drive

Those portions of Parcels 3 and 4, in the County of Los Angeles, State of California, as per Licensed Surveyors Map filed in Book 15, Pages 8 and 9 of Records of Survey, in the Office of the County Recorder of said County, more particularly described as follow;

Those portions of said Parcels 3 and 4, bounded on the South by the southerly line of Instrument No. 281 O.R., the southerly line of Deed per Book D5332, Page 82 O.R. and the southerly line of Deed per Book D5589, Page 115 O.R. and bounded on the North by the Caltrans southerly Right-of-Way per Monumentation Map LA-101M 35.5, File No. FM21558-1 and bounded on the East by the future Right-of-Way of Roadside Road, to be determined.

Prepared by me or under my direction


_____ Date DEC. 07, 2016

Danny T. Davis, PLS No. 7586



EXHIBIT "B"

Vacation of Portion of Roadside Drive



VACATION

