

REPORT TO CITY COUNCIL

DATE: JUNE 24, 2020

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER

BY: JESSICA FORTE, DIRECTOR OF PUBLIC WORKS/CITY ENGINEER

SUBJECT: CONDUCT A PUBLIC HEARING TO CONSIDER THE ADOPTION OF RESOLUTION NO. 20-1943; APPROVING THE VACATION OF THE REMAINING PORTION OF VENDELL PLACE

As a part of the development of Site/Plan Architectural Review Case No. 06-SPR-009 at the northwest corner of Agoura Road and Liberty Canyon Road, the applicant was required to submit an application in order for the City to vacate the remaining portion of Vendell Place right-of-way west of the property.

On January 28, 2015, the City Council adopted Resolution No. 15-1775, which declared the Council's intention to vacate Vendell Place, reserve utility easements, and set the date and time of the public hearing for the vacation.

On February 5, 2015, the Planning Commission adopted Draft Resolution No. 15-1124, which determined the vacation of the remaining portion of Vendell Place right-of-way would be in conformance with the City's General Plan and Section 65402 of the State's Government Code.

On February 11, 2015, the City Council agreed to continue this item due to an error in publishing the public notice. At the public hearing held on March 11, 2015, the City Council pulled the item off of the calendar based on a recommendation from staff that the vacation was not ready to move forward and should be considered at a later date. As a result, the original condition imposed on the development was subsequently waived.

This portion of Vendell Place has not been used for years and currently dead ends near the commercial buildings to the east. Staff finds that the remaining portion of Vendell Place proposed to be vacated is not an essential part of the transportation network within the City.

Section 8300 et seq. of the California Streets and Highway Code allows for a general 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.

Due to the amount of time that has elapsed, along with, the procedural requirements for a general street vacation, staff felt it was in the best interest of the City to obtain approval from the current Planning Commission. On June 4, 2020, the Planning Commission adopted Draft Resolution No. 20-1243, which determined the vacation still conforms with the General Plan Infrastructure and Community Services Element Mobility Section.

Should the street vacation be approved by the City Council, as proposed, Agoura Road 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 along Agoura Road after the vacation.

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

RECOMMENDATION

Staff respectfully recommends the City Council:

1. Adopt Resolution No. 20-1943, approving the vacation of the remaining portion of Vendell Place, 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. 20-1943
Exhibit "A"- Legal Description
Exhibit "B"- Map of Area to be Vacated

RESOLUTION NO. 20-1943

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, ORDERING THE VACATION OF THE REMAINING WESTERLY PORTION OF VENDELL PLACE, NORTH OF AGOURA ROAD

WHEREAS, a request has been filed by the City of Agoura Hills for approval of the vacation of the westerly portion of Vendell Place north of Agoura Road.

WHEREAS, the portion of Vendell Place is unnecessary for present or prospective public use because the result would only be the loss of a paved portion of roadway, and the remaining roadway on Agoura Road 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 Vendell Place to be vacated is not an essential part of the City's transportation network.

WHEREAS, the portion of Vendell Place to be vacated is legally described in Exhibit "A" and depicted in Exhibit "B" attached hereto and incorporated herein by reference. Any portion of the foregoing streets not designated on the attached maps is not proposed for vacation and will remain as City public right-of-way.

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 June 4, 2020, 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, a public hearing was set regarding the proposed vacation for June 24, 2020. Pursuant to California Streets and Highways Code Section 8323, the public hearing notice was posted on the portion of Vendell Place 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 June 24, 2020, 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, it can be seen with certainty that there is no possibility that this activity may have a significant effect on the environment and thus this decision is not subject to the provisions of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15061(b)(3);

WHEREAS, notwithstanding the foregoing, and in addition to the foregoing, the City Council finds, pursuant to Sections 15301, 15303 and 15304 of the State California Environmental Quality Act Guidelines, that the proposed vacation qualifies as a minor alteration of an existing facility, a minor alteration to land, and a conversion of a small structure that will not create a potential significant impact on the environment and thus is categorically exempt from the requirements of the California Environmental Quality Act. The project consists of the vacation of approximately 945 lineal feet and approximately 1.3 acres of Vendell Place Right-of-Way for the purposes of roadway.

WHEREAS, although the portion of Vendell Place proposed to be vacated is a public right-of-way, it is 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 remaining portion of Vendell Place 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 Vendell Place 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 Vendell Place, 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 Vendell Place 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 8325 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 24TH day of June, 2020.

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

By: _____
Illece Buckley Weber, Mayor

ATTEST:

Kimberly M. Rodrigues, City Clerk

EXHIBIT "A"

LEGAL DESCRIPTION

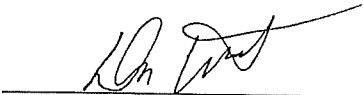
VACATION OF PORTION OF VENTURA BOULDEVARD

(VENDELL PLACE)

THAT PORTION OF THE NORTHWEST ¼ OF THE SOUTHWEST ¼ OF SECTION 25, TOWNSHIP 1 NORTH, RANGE 18 WEST, SAN BERNARDINO MERIDIAN IN THE CITY OF AGOURA HILLS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PORTION OF VENTURA BOULEVARD (VENDELL PLACE) 100 FEET WIDE, PER DEED TO STATE OF CALIFORNIA RECORDED IN BOOK 9593 PAGE 147 OF OFFICIAL RECORDS AND SHOWN ON TRACT NO. 8871 RECORDED IN BOOK 173 PAGE 35 OF MAPS IN SAID COUNTY, BOUNDED ON THE EAST BY THE NORTHERLY PROLONGATION OF THE EAST LINE OF LOT 22, WHICH BEARS NORTH 00° 35' 08" EAST AS SHOWN ON TRACT NO. 8871 RECORDED IN BOOK 173 PAGE 35 OF MAPS BOUNDED ON THE NORTH BY THE SOUTHERLY RIGHT-OF-WAY LINE OF VENTURA FREEWAY (FEDERAL HIGHWAY 101) AS SHOWN ON STATE OF CALIFORNIA RIGHT OF WAY MAP NO F 2217.1-1 AND F 2217-8 AS FILED IN CALTRANS SURVEY AND MAPPING DEPARTMENT DISTRICT HEADQUARTERS NO. 7 AND BOUNDED ON THE SOUTHWEST BY THE NORTH WESTERLY PROLONGATION OF THE NORTHEASTERLY RIGHT-OF-WAY LINE OF AGOURA ROAD (60 FEET WIDE) WHICH BEARS N 52° 03' 30" WEST AS SHOWN ON SAID TRACT NO. 8871 AND ALSO SHOWN AS PARCEL NO. 23 OF THAT CERTAIN INSTRUMENT RECORDED 12/16/1930 IN BOOK 10507 PAGE 168 OF OFFICIAL RECORDS OF SAID COUNTY.

Westland Civil, Inc.



6/15/20

Donald G. Waite, RCE 27364
Expires: March 31, 2021


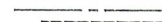



DATE

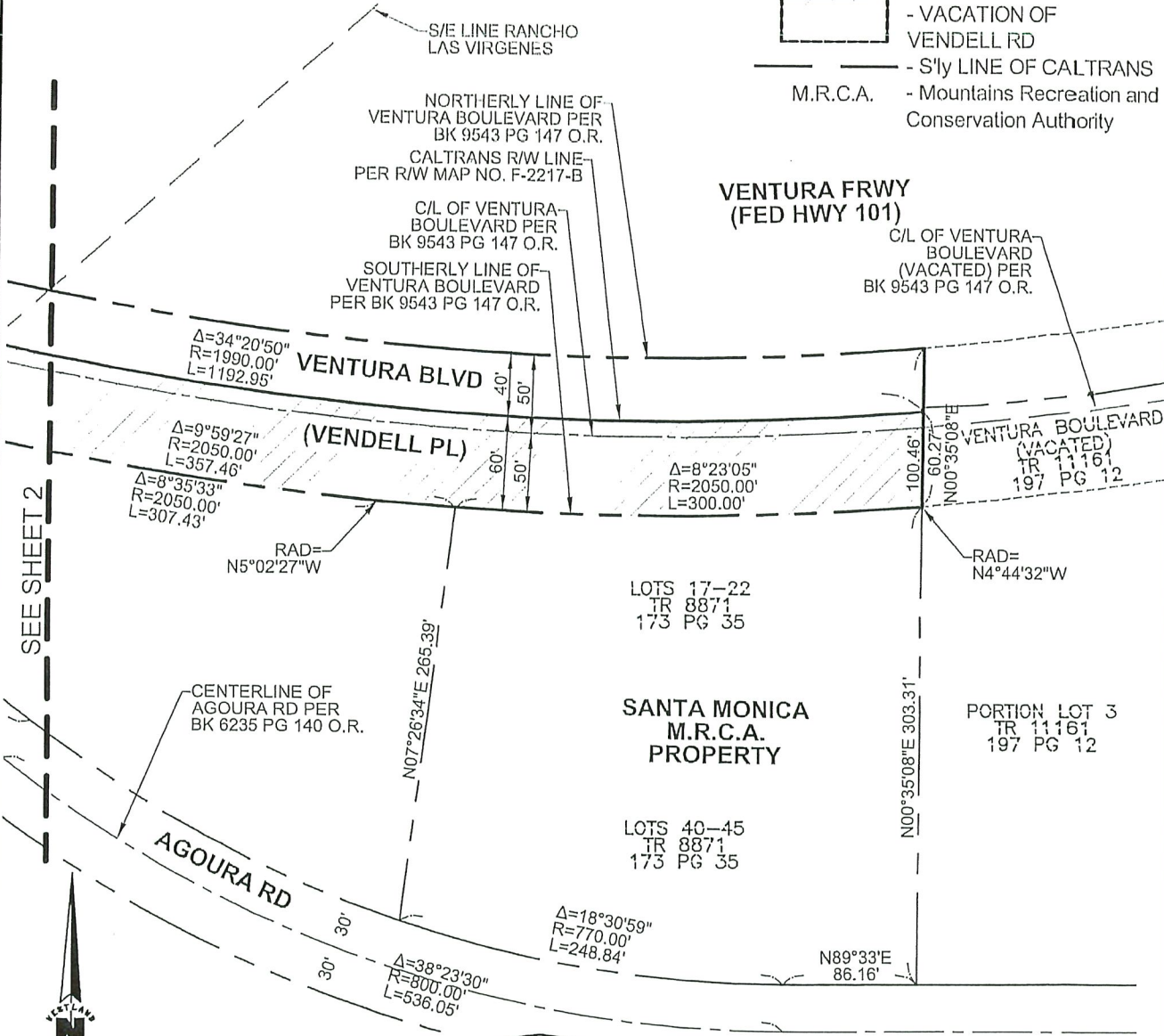


NOTE: EXHIBIT "B" IS FOR INFORMATIONAL PURPOSES ONLY AND IS NOT A SURVEY OF PLAN.

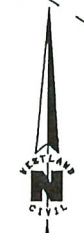
EXHIBIT "B"

LEGEND:

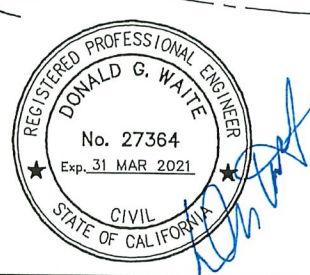
-  - PARCEL LINE
-  - STREET CENTERLINE
-  - VACATION OF VENDELL RD
-  - S'y LINE OF CALTRANS M.R.C.A.
-  - Mountains Recreation and Conservation Authority



SEE SHEET 2



0 100
SCALE: 1" = 100'



PREPARED BY: ID #: JPA.LibertyCyn

WESTLAND CIVIL, INC.
 CIVIL ENGINEERS PLANNING / DESIGN LAND SURVEYORS
 558 ST. CHARLES DR, SUITE 202, THOUSAND OAKS, CA, 91360
 (805) 495-1330 FAX: (805) 446-9125


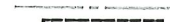
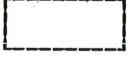

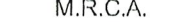
EXHIBIT "B"
VACATION OF VENTURA BLVD
(VENDELL PL)
 27489 LIBERTY CYN,
 AGOURA HILLS, CA

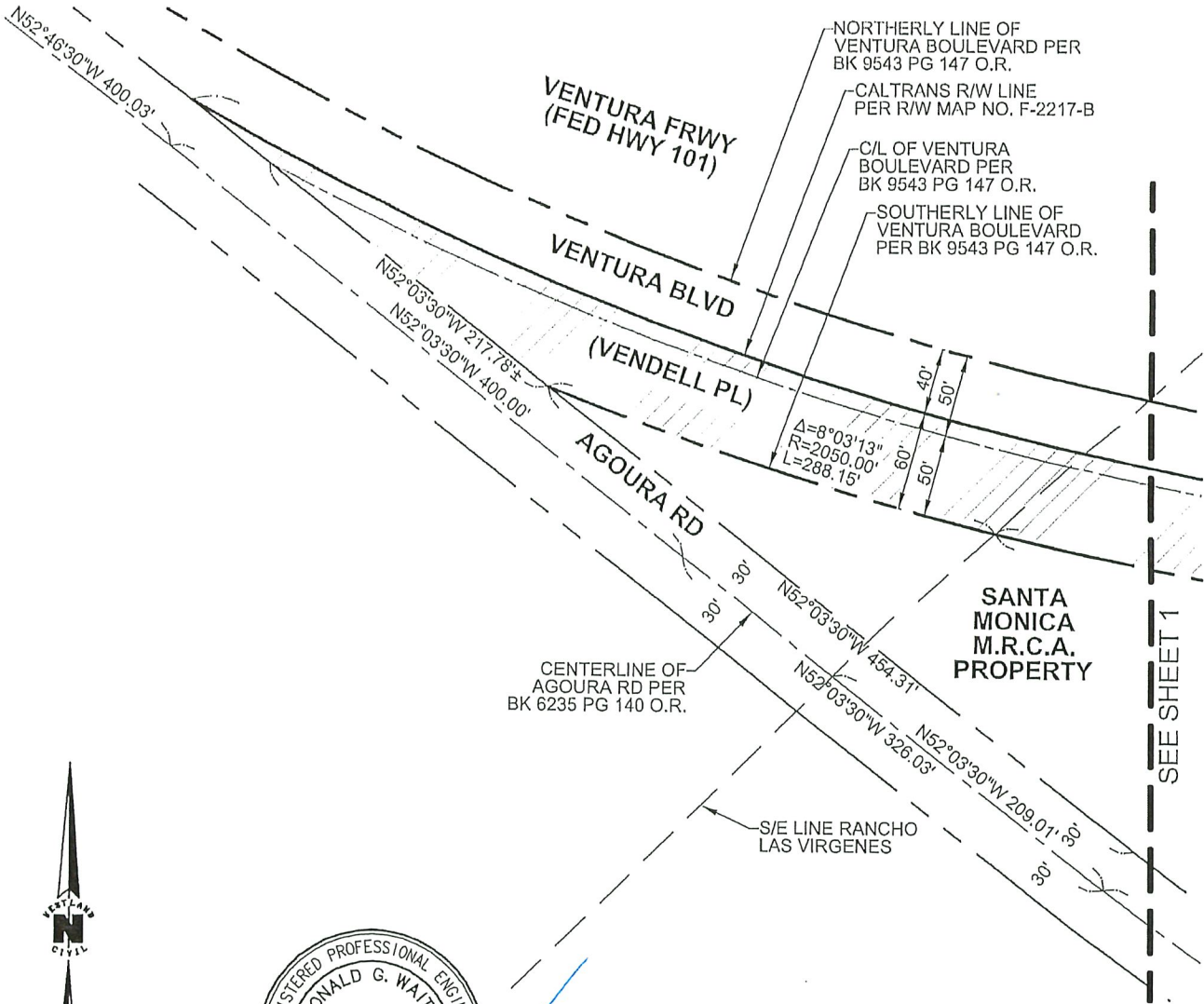
DATE SUBMITTED: 6-15-2020 SHEET 1 OF 2

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EXHIBIT "B"

LEGEND:

-  - PARCEL LINE
-  - STREET CENTERLINE
-  - VACATION OF VENDELL RD
-  - S'ly LINE OF CALTRANS
-  M.R.C.A. - Mountains Recreation and Conservation Authority



SCALE: 1" = 100'



SEE SHEET 1

PREPARED BY: ID #: JPA.LibertyCyn



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EXHIBIT "B"
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DATE SUBMITTED: 6-15-2020

SHEET 2 OF 2