

## REPORT TO THE CITY COUNCIL

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**DATE:** November 5, 2019

**TITLE:** Resolution of Intent to Vacate Ortega Drive

**Prepared by:** Daniel Porras, Public Works Director

**Reviewed by:** Jennifer Mizrahi, City Attorney

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### RECOMMENDATION

**Adopt a Resolution of the City Council of the City of Desert Hot Springs declaring its intent to vacate Ortega Drive in the City of Desert Hot Springs, which would set a time, date and place for a City Council public hearing (proposed on December 3, 2019 at 6pm in the Carl May Center), and refer the matter to the Planning Commission for consideration of general plan consistency.**

### DISCUSSION

The vacation of a public street is governed by the Streets and Highways Code of the State of California. A "vacation" is "the complete or partial abandonment or termination of the public right to use a street" per the Streets and Highways Code Section 8309. A City may utilize general vacation procedures to vacate any excess right-of-way of a street not required for street or highway purposes per Streets and Highways Code Section 8320. The following steps are required in order to process a non-summary street vacation;

- 1) City Council adopts a Resolution of Intent to Vacate a street, which sets a hearing date for City Council consideration of the vacation.
- 2) The City Clerk must notice the public hearing in accordance with Section 8320 of the Streets and highways Code,
- 3) Pursuant to the Resolution, the City Engineer, or designee, must also post the street with the notice of vacation in accordance with the provisions of Streets and Highways Code Section 8323,
- 4) After the Resolution of Intent to Vacate is adopted, the Planning Commission shall make a recommendation to the City Council on whether or not the location, purpose and extent of the proposed street vacation is in conformance with the General Plan,
- 5) Then, the City Council must conduct the public hearing on the vacation and after the hearing may adopt a resolution vacating the street, and/or may instruct the City Clerk not to record the resolution of vacation until conditions have been met, and
- 6) The street vacation is complete after the City Clerk causes a certified copy of the resolution to be recorded in the Office of the Riverside County Recorder.

On October 23, 2019, City staff received a request from Maria Lease for the City to vacate Ortega Drive located between Eliseo Road and Agua Cayendo Road (Exhibit 1). Ortega Drive is currently a public road and public Right-of-Way. Staff completed an inspection of the street and found the street to be closed off from vehicular access from both sides of the street. Based on overly grown weeds and debris on the street, the street segment showed signs that it had not been used for public access in years (see photos in Exhibit 2). The purpose of this street vacation is to privatize the portion of Ortega Drive where Maria Lease owns parcels on both sides of the street. If vacated, the use of the easement in favor of the City for public right-of-way purposes across the parcels on both sides of the street would be lifted and the area of the former street would then be able to be used for future development, subject to any required

public utility easements and any conditions imposed by the City as part of the proposed vacation.

Ortega Drive aligns from East to West direction, extending from Eliseo Road to Agua Cayendo Road, it is approximately 480 feet in length and 50 feet in width. Maria Lease owns all parcels that abut Ortega Drive to the north and south of the entire street segment. As a result, no other property owner would be directly affected by the proposed street vacation.

Staff recommends that the City Council adopt Resolution of Intent (Exhibit 3) declaring its intent to vacate Ortega Drive in the City of Desert Hot Springs, which would set a time, date and place for a City Council public hearing (proposed on December 3, 2019 at 6pm in the Carl May Center), and refer the matter to the Planning Commission for consideration of general plan consistency.

#### **FISCAL IMPACT**

If approved after the required public processes, the City's road maintenance costs would be slightly reduced as a result of not being required to maintain the vacated portion of Ortega Drive.

#### **EXHIBIT(S)**

- 1) Aerial Map
- 2) Photos of Existing Conditions
- 3) Draft Resolution of Intent