

REPORT TO THE CITY COUNCIL



DATE: December 3, 2019

TITLE: Ortega Drive Vacation

Prepared by: Daniel Porras, Public Works Director

Reviewed by: Jennifer Mizrahi, City Attorney

RECOMMENDATION

- 1) Staff Report;
- 2) Entertain questions of Staff from City Council;
- 3) Open the Public Hearing;
- 4) Take testimony from those in favor;
- 5) Take testimony from those opposed;
- 6) Take testimony from those in a neutral position;
- 7) Close the Public Hearing;
- 8) Adopt a Resolution of the City Council of the City of Desert Hot Springs, California, approving the vacation of Ortega Drive for public roadway purposes, generally located between Eliseo Road and Agua Cayendo Road, and reserving of easement for public utilities; and
- 9) Direct the City Clerk to record the Resolution.

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 to be completed 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.
 - a. **On November 5, 2019, the City Council adopted a Resolution of Intent setting the Public Hearing time and date for 6:00pm on December 3, 2019 at Carl May Center 11711 West Drive Desert Hot Springs CA 92240.**
2. The City Clerk must notice the public hearing in accordance with Section 8320 of the Streets and Highways Code.
 - a. **The City Clerk published the Notice of Vacation in the Desert Star Weekly Newspaper on Friday November 15, 2019, and on Friday November 22, 2019.**
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,
 - a. **On November 14, 2019, the Public Works Inspector posted the Notice of Vacation at both ends of the street, and one in the middle section, see Exhibit 4.**

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,
 - a. **On November 12, 2019, the Planning Commission adopted a Resolution finding that the vacation of Ortega Drive is consistent with the General Plan, See Exhibit 5.**
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
 - a. **This is the purpose of this item and Resolution.**
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.
 - a. **This step will be followed if the attached Resolution is adopted by City Council.**

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, see 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 with temporary barricades, see Exhibit 2. 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. 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.

The first three steps listed above (and necessary for the vacation of street) have been completed. The final two steps of the vacation process are for the City Council to conduct the public hearing on the vacation, and (if adopted) instruct the City Clerk to record the resolution or not to record the resolution of vacation until conditions have been met.

Staff recommends that the City Council adopt a resolution of the City Council of the City of Desert Hot Springs, California, approving the vacation of Ortega Drive for public roadway purposes, generally located between Eliseo Road and Agua Cayendo Road, and reserving of easement for public utilities.

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) Existing Photos
- 3) Draft Resolution of Vacation
- 4) Photos of Posted Notice
- 5) Planning Commission Resolution