



## Legislation Details (With Text)

**File #:** 19-1129      **Version:** 1

**Type:** Consent Calendar      **Status:** Passed

**File created:** 11/1/2019      **In control:** City Council/Public Financing Authority

**On agenda:** 11/18/2019      **Final action:** 11/18/2019

**Title:** Adopt Resolution 2019-11 approving a summary vacation of an easement over a portion of 13th Street and Crest Avenue; adopt Resolution 2019-77 declaring a strip of City-owned property as surplus property; approve Quitclaim Deed for ownership of easement and the agreement for sale of surplus real property between the City and Dawn and Naomi Shimoda; and, authorize recordation of resolutions and exhibits with the Orange County Recorder

**Attachments:** 1. Att #1 - Reso 2019-11, 2. Att #2 - Map of Wesley Park.pdf, 3. Att #3 - Exhibits A & B Legal Description and Plat Map.pdf, 4. Att #4 - NOA General Plan Conformance 18-002.pdf, 5. Att #5 - Agreement for Sale of Surplus Real Property.pdf, 6. Att #6 - Quitclaim Deed.pdf, 7. Att #7 - Reso 2019-77, 8. Att #8 - Aerial Map 743 13th St..pdf

Date	Ver.	Action By	Action	Result
11/18/2019	1	City Council/Public Financing Authority	approved	Pass

## REQUEST FOR CITY COUNCIL ACTION

**SUBMITTED TO:** Honorable Mayor and City Council Members

**SUBMITTED BY:** Oliver Chi, City Manager

**PREPARED BY:** Kellee Fritzal, Deputy Director of Economic Development

### Subject:

**Adopt Resolution 2019-11 approving a summary vacation of an easement over a portion of 13<sup>th</sup> Street and Crest Avenue; adopt Resolution 2019-77 declaring a strip of City-owned property as surplus property; approve Quitclaim Deed for ownership of easement and the agreement for sale of surplus real property between the City and Dawn and Naomi Shimoda; and, authorize recordation of resolutions and exhibits with the Orange County Recorder**

### Statement of Issue:

The City owns a strip of land by 13<sup>th</sup> Street and Crest Avenue, the land was for dedication for street and sidewalk approvals. The City has completed all street and sidewalk improvements and no longer needs the small remnant piece of land. It is requested that the City Council adopt two Resolutions declaring the strip surplus property and ordering a summary vacation of an easement, and approve an agreement for sale of surplus property with Dawn and Naomi Shimoda.

### Financial Impact:

The City would not incur any expenses of the vacation of the easement. However, the City will receive Two Thousand Two Hundred Fifty Dollars (\$2,250.00) for the disposition of the property to be deposited into the General Fund.

**Recommended Action:**

A) Adopt Resolution No. 2019-11, “A Resolution of the City Council of the City of Huntington Beach ordering the summary vacation of an easement over a portion of 13<sup>th</sup> Street and Crest Avenue in the City of Huntington Beach” (Attachment 1); and,

B) Adopt Resolution No. 2019-77, “A resolution of the City Council of the City of Huntington Beach declaring that a strip of City owned property adjacent to 743 13<sup>th</sup> Street, Huntington Beach, is surplus property” (Attachment 7); and,

C) Instruct the City Clerk to record Resolutions No. 2019-11 and 2019-77 and the attached exhibits with the Orange County Recorder; and,

D) Approve the “Agreement for Sale of Surplus Real Property and Escrow Instructions by and between the City of Huntington Beach and Dawn Michiko Shimoda and Naomi Shimoda,” (Attachment 5); and

E) Approve the Quitclaim Deed transferring ownership of easement to Dawn Michiko Shimoda and Naomi Shimoda, as well as any other escrow documents necessary for this transfer (Attachment 6).

**Alternative Action(s):**

Do not approve the Resolutions for Purchase Agreement and direct staff as necessary.

**Analysis:**

On June 24, 1905, 13<sup>th</sup> Street was dedicated (the “Dedication”) to the City of Huntington Beach on the map of the Wesley Park Section (Attachment 2) in fee interest as determined by a title report. Since the Dedication, all necessary public street and sidewalk improvements have been constructed adjacent to the residential property at 743 13<sup>th</sup> Street (the “Property”). However, these improvements do not extend to the ultimate boundary of the Dedication, resulting in a one-foot wide by 150.5-foot long portion of remnant right-of-way that exists between the interior side of the public sidewalk and the legal boundary line of the property (see Attachment 3), this remnant right of way will be referred to as “Surplus Property.” This surplus property is isolated between the public right of way and the adjacent property owner’s property line at 743 13<sup>th</sup> Street. This is a corner lot and does not abut any other property, see aerial photo of property (Attachment 8).

Staff is requesting that this 1-foot wide portion of the Dedication be vacated to increase the size of the property owner’s yard. The portion of the Dedication that the City is requested to summarily vacate is located adjacent to the owner’s existing front and side yards and has been determined by the Public Works Department to be unnecessary for any future public utility, pedestrian or vehicular circulation. The proposed result of vacating this portion of the Dedication will not have a detrimental impact to any future public services nor to public infrastructure. On January 23, 2019, the City of Huntington Beach Planning Commission approved General Plan Conformance No. 18-002 (Attachment 4), finding that the proposed Summary Street Vacation (of the Dedication portion located at the southwest corner of 13<sup>th</sup> Street and Crest Avenue) conforms to the goals and policies of the City’s General Plan.

Unlike the General Street Vacation process, the Summary Street Vacation process does not have public noticing requirements, nor does it require a separate public hearing prior to the Council taking action. After Council's adoption, the resolution shall be recorded with the Orange County Recorder to affect the street vacation.

The City of Huntington Beach Planning Commission approved General Plan Conformance No. 18-002. Staff is requesting that the City of Huntington Beach approve Resolution No. 2019-77 declaring that strip of City-owned property, adjacent to the property on 743 13<sup>th</sup> Street, as surplus property and then concurrently sell that surplus property to the adjacent property owners, Dawn Michiko Shimoda and Naomi Shimoda (Attachment 5).

The City Attorney's Office has drafted and approved an Agreement for Sale of Surplus Real Property and Escrow Instructions by and Between the City of Huntington Beach and Dawn Michiko Shimoda. The City has agreed to sell the surplus property to the Shimodas for Two Thousand Two Hundred Fifty Dollars (\$2,250.00).

**Environmental Status:**

The proposal is categorically exempt from the California Environmental Quality Act, pursuant to City Council Resolution No. 4501, Class V: Alterations in Land Use Limitations, sub-section (a) minor street, alley and utility easement vacations.

**Strategic Plan Goal:**

Enhance and maintain infrastructure

**Attachment(s):**

1. Resolution No. 2019-11, "A Resolution of the City Council of the City of Huntington Beach ordering the summary vacation of an easement over a portion of 13<sup>th</sup> Street and Crest Avenue in the City of Huntington Beach."
2. Map of Wesley Park Section (of the City of Huntington Beach)
3. Exhibits A and B Legal Description and Plat Map (Vacation of Right-of-Way Easement)
4. Notice of Action - General Plan Conformance 18-002
5. Agreement for sale of surplus property and escrow instructions by and between the City of Huntington Beach and Dawn Michiko Shimoda and Naomi Shimoda
6. Quitclaim Deed transferring ownership of surplus real property from The City of Huntington Beach to Dawn Michiko Shimoda and Naomi Shimoda
7. Resolution No. 2019-77, "A Resolution of the City Council of the City of Huntington Beach

declaring that a strip of City owned property adjacent to 743 13<sup>th</sup> Street, Huntington Beach is surplus property.”

8. Aerial photo map of 743 13<sup>th</sup> Street.