



Legislation Details (With Text)

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File created:	9/30/2020	In control:	City Council/Public Financing Authority
On agenda:	10/19/2020	Final action:	10/19/2020
Title:	Adopt Resolution Nos. 2020-66 and 2020-67 ordering the Summary Vacations of Easements over portions of Delaware Street and Huntington Street in the City of Huntington Beach; and, authorize recordation and execution of a Warranty Deed transferring the vacated portion of Delaware Street to Surf City Beach Cottages, L.P.		
Attachments:	1. Att#1 Reso 2020-66 (Summary Vacation of Delaware St), 2. Att#2 Reso 2020-67 (Summary Vacation of Huntington St), 3. Att#3 Location Map, 4. Att#4 Ex A (Delaware), 5. Att#5 Ex D (Huntington), 6. Att#6 NOA-GPC 02-003 (Delaware), 7. Att#7 NOA-GPC 02-002 (Huntington), 8. Att#8 Warranty Deed V2		

Date	Ver.	Action By	Action	Result
10/19/2020	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: Sean Crumby, Director of Public Works

Subject:

Adopt Resolution Nos. 2020-66 and 2020-67 ordering the Summary Vacations of Easements over portions of Delaware Street and Huntington Street in the City of Huntington Beach; and, authorize recordation and execution of a Warranty Deed transferring the vacated portion of Delaware Street to Surf City Beach Cottages, L.P.

Statement of Issue:

The Public Works Department requests that City Council adopt two (2) resolutions to summarily vacate certain portions of existing public street easements along Delaware Street and Huntington Street pursuant to California Streets and Highways Code 8334(a). The City Council is also requested to approve and authorize the execution of a Warranty Deed transferring the vacated portion of Delaware Street to Surf City Beach Cottages, L.P. ("SCBC").

Financial Impact:

No funding is required for this action.

Recommended Action:

A) Adopt Resolution No. 2020-66, "A Resolution of the City Council of the City of Huntington Beach Ordering the Summary Vacation of an Easement Over a Portion of Delaware Street in the City of

Huntington Beach” (Attachment 1); and,

B) Adopt Resolution No. 2020-67, “A Resolution of the City Council of the City of Huntington Beach Ordering the Summary Vacation of an Easement Over a Portion of Huntington Street in the City of Huntington Beach” (Attachment 2); and,

C) Instruct the City Clerk to record Resolution No. 2020-66 and Resolution No. 2020-67 and the respective attached exhibits with the Orange County Recorder.

D) Approve and authorize the City Manager to execute the Warranty Deed (Attachment 8), with minor modifications in a form approved by the City Attorney, and any documents needed to process the transfer of the portion of Delaware Street.

Alternative Action(s):

Deny the recommended action to adopt Resolution Nos. 2020-66 and 2020-67 with findings for denial. Denial would cause the City to be in default of the terms of the Settlement Agreement between the City and SCBC, which requires the vacation of the subject easements and conveyance of said property to SCBC by December 4, 2020.

Analysis:

Street Vacations

The subject easement areas are located at the west and east frontages of the SCBC mobile home park, which is bounded by Atlanta Avenue to the north, Huntington Street to the west, Delaware Street to the east, and Pacific View Avenue to the south (Attachment 3).

As a result of the City’s recent Atlanta Avenue Widening Project, the City entered into a Settlement Agreement with SCBC, wherein the City agreed to vacate a portion of Delaware Street and a portion of Huntington Street. The street widening project was completed earlier this year. The Settlement Agreement stipulates that the City must vacate these partial right-of-ways after completion of construction, but no later than December 4, 2020.

The portion of Delaware Street to be vacated consists of the westerly 33 feet (approximately 630 feet in length), south of Atlanta Avenue, and which abuts the SCBC property. This Delaware Street portion to be vacated is more precisely portrayed in the legal description and plat map of Attachment 4 (Exhibit A).

The portion of Huntington Street to be vacated consists of the easterly 6-foot wide strip of the existing 30-foot wide easement that runs approximately one thousand (1,000) feet along SCBC’s Huntington Street frontage. See Attachment 5 (Exhibit D) for the legal description and plat map of said area to be vacated.

Public Works staff have determined that the subject easement areas are no longer necessary to provide public right-of-ways and may be vacated without affecting the efficiency or effectiveness of any arterial circulation system.

Pursuant to the California Streets and Highways Code, the City may process Summary Vacations for said easement areas, because they are considered excess street right-of-way, are not required for street or highway purposes, and there are no public utility facilities that are in use, nor would be affected by the proposed vacations. Unlike the General Street Vacation process, a Summary Street Vacation process does not have public noticing requirements, nor does it require a separate public hearing prior to City Council action. After Council's adoption, the resolutions shall be recorded with the Orange County Recorder to affect the subject easement vacations.

On September 22, 2020, the Planning Commission approved General Plan Conformance (GPC) 20-003 (Attachment 6) for the proposed Delaware Street vacation and GPC 20-002 (Attachment 7) for the proposed Huntington Street vacation with findings that the proposed street vacations conform to the City's General Plan.

Property Transfer

As required by the executed Settlement Agreement, the City is to convey the vacated portion of Delaware Street to SCBC. Said conveyance must be transferred by means of a Warranty Deed, free of encumbrances, and said conveyance must occur prior to December 4, 2020, or the City will be in default of the Settlement Agreement.

Public Works Commission Action: Not required.

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. 2020-66, "A Resolution of the City Council of the City of Huntington Beach Ordering the Summary Vacation of an Easement Over a Portion of Delaware Street in the City of Huntington Beach"
2. Resolution No. 2020-67, "A Resolution of the City Council of the City of Huntington Beach Ordering the Summary Vacation of an Easement Over a Portion of Huntington Street in the City of Huntington Beach"
3. Location Map showing locations of proposed easement vacations at Delaware and Huntington Streets
4. Legal Description and Plat Map for the Delaware Street portion to be vacated

5. Legal Description and Plat Map for the Huntington Street portion to be vacated
6. Notice of Action - General Plan Conformance 20-003 (Delaware Street Vacation)
7. Notice of Action - General Plan Conformance 20-002 (Huntington Street Vacation)
8. Warranty Deed