

Council/Agency Meeting Held: _____	City Clerk's Signature _____
Deferred/Continued to: _____	
<input type="checkbox"/> Approved <input type="checkbox"/> Conditionally Approved <input type="checkbox"/> Denied	
Council Meeting Date: 12/15/2008	Department ID Number: PW 08-47

**CITY OF HUNTINGTON BEACH
REQUEST FOR CITY COUNCIL ACTION**

SUBMITTED TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

SUBMITTED BY: FRED A. WILSON, CITY ADMINISTRATOR 

PREPARED BY: TRAVIS K. HOPKINS, PE, DIRECTOR OF PUBLIC WORKS 

SUBJECT: Vacate Excess Right-of-Way on East Side of Gothard-150 Feet West of Main Street

Statement of Issue, Funding Source, Recommended Action, Alternative Action(s), Analysis, Environmental Status, Attachment(s)

Statement of Issue: The Public Works Department proposes a resolution to summarily vacate a portion of excess right-of-way on the east side of Gothard Street along the frontage property pursuant to California Streets and Highways Code Section 8334(a).

Funding Source: Not Applicable

Recommended Action: Motion to:

1. Adopt Resolution No. 2008-85, a Resolution of the City Council of the City of Huntington Beach Ordering the Summary Vacation of the Excess Right-of-way Easement at the East Side of Gothard Street -150 feet West of Main Street.

Alternative Action(s): Deny the recommended action.

Analysis: On July 30, 1999, the Judgment in Condemnation was ordered for the northwesterly portion of Lot 21 in block "B" of the Garfield Street Addition to Huntington Beach more commonly known as APN 111-50-24 for the construction of new Gothard Street.

The most northwesterly portion of the condemnation is a vacant triangular shaped property measuring 1406-square-feet situated between the back of the Gothard Street sidewalk and the housing development on Gothard Street.

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The City Council can summarily vacate the excess right-of-way by adopting a resolution of vacation after submission to the Planning Commission. The Planning Commission has reviewed the vacation request as GPC 08-02 and issued a Notice of Action indicating that they endorse the vacation. Public Works is therefore requesting a Summary Vacation under Government Code Section 65402.

Upon vacation of this portion of the easement, the rights to the underlying land would revert to the fee owner of the property and the resulting right-of-way width would be consistent with the General Plan. The Planning Commission unanimously approved the application for General Plan Conformance (GPC 08-02) related to the vacation of this excess right-of-way easement at their May 27, 2008 meeting.

The Resolution ordering the summary vacation of the excess right-of-way easement at the East side of Gothard Street -150 feet west of Main Street would:

1. Vacate a 1406 sq ft easement on the portion of Lot 21 located at 7251 Stewart Circle, owned by Mr. Joe Gergen, which is no longer required by the City of Huntington Beach for street widening purposes;
2. Exempt and retain from the street vacation, an 80 sq. ft. easement for water pipeline and appurtenances for an existing fire hydrant within the 1406 sq. ft. easement; and
3. Facilitate the Lot Line Adjustment submitted by Joe Gergen and Bart Deboe to adjust the 1406 sq. ft. from the Gergen property severed by the new Gothard Street alignment and have it added to the Bart Deboe property on Gothard Street.

Strategic Plan Goal:

I-1 Improve the City's plan for funding and completing infrastructure needs, and develop strategies for resolving crucial infrastructure problems to preserve the physical foundation of the community and enable the community's value to grow.

Environmental Status: Categorically Exempt. "The proposed project is categorically exempt pursuant to Class V: Alterations in land Use limitations, sub-section (a) Minor street, alley, and utility easement vacations, of resolution No. 4501 of the City of Huntington Beach."

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Attachment(s):

City Clerk's Page Number	No.	Description
5	1.	A Resolution of the City Council of the City of Huntington Beach Ordering the Summary Vacation of the Excess Right-of-way Easement on the East Side of Gothard – 150 Feet West of Main Street
15	2.	Location Map
17	3.	Planning Commission Notice of Action GPC 08-02 (East Side of Gothard Street Vacation)

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ATTACHMENT #1

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RESOLUTION NO. 2008-85

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF HUNTINGTON BEACH ORDERING THE SUMMARY
VACATION OF THE EXCESS RIGHT- OF-WAY EASEMENT
ON THE EAST SIDE OF GOTHARD-150 FEET WEST OF MAIN STREET

WHEREAS, THE City Council of the City of Huntington Beach wishes to summarily vacate an easement which is excess right-of-way and is not required for street or highway purposes pursuant to California Streets and Highways Code Section 8334(a); and

Said right-of-way is on the east side of Gothard, approximately 150 feet west of Main Street,

NOW, THEREFORE, the City Council of the City of Huntington Beach, does hereby resolve as follows:

1. Pursuant to Division 9, Part 3, Chapter 4 of the California Streets and Highways Code, commencing with Section 8334(a), the City Council of the City of Huntington Beach hereby orders the vacation of the excess right-of-way easement located on the east side of Gothard, approximately 150 feet west of Main Street.

2. The right-of-way easement hereby vacated is more particularly described in the Legal Description and plats attached hereto as Exhibits "A," "B" and "C," respectively, which exhibits are incorporated by this reference as though fully set forth herein.

The City Council does hereby confirm that the easement herein vacated is excess right-of-way and is not required for street or highway purposes.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the _____ day of _____, 200__.

Mayor

REVIEWED AND APPROVED:



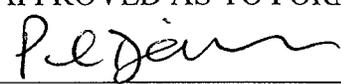
City Administrator

INITIATED AND APPROVED:



Director of Public Works

APPROVED AS TO FORM:

 8/7/08

City Attorney

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EXHIBIT A

LEGAL DESCRIPTION

SHEET 1 OF 2

BEING ALL OF LOT 21 IN BLOCK "B", OF THE GARFIELD STREET ADDITION TO HUNTINGTON BEACH, IN THE CITY OF HUNTINGTON BEACH, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON THE MAP RECORDED IN BOOK 7, PAGES 27 AND 28 OF MISCELLANEOUS MAPS, RECORDS OF SAID COUNTY, EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PORTION:

THAT PORTION OF SAID LOT 21 LYING SOUTHWESTERLY OF A LINE PARALLEL TO AND 40.00 FEET NORTHEASTERLY, MEASURED AT RIGHT ANGLES, FROM THE FOLLOWING DESCRIBED CENTERLINE, SAID CENTERLINE ALSO BEING AS DESCRIBED IN FINAL ORDER OF CONDEMNATION RECORDED AUGUST 13, 1999 AS INSTRUMENT NO. 19990592245, RECORDS OF SAID COUNTY:

BEGINNING AT THE CENTERLINE INTERSECTION OF CLAY AVENUE AND MAIN STREET (CLAY STREET AND TWENTY THIRD STREET AS SHOWN ON SAID MAP); THENCE NORTH $18^{\circ}59'43''$ EAST 50.95 FEET ALONG THE CENTERLINE OF SAID MAIN STREET; THENCE NORTH $71^{\circ}00'00''$ WEST 80.47 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 330.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE 408.79 FEET THROUGH A CENTRAL ANGLE OF $70^{\circ}58'32''$ TO A POINT ON A LINE PARALLEL WITH, AND 10.00 FEET EASTERLY, MEASURED AT RIGHT ANGLES, FROM THE CENTERLINE OF CRYSTAL STREET (CRYSTAL AVENUE AS SHOWN ON SAID MAP); THENCE NORTH $00^{\circ}01'28''$ WEST 933.75 FEET, MORE OR LESS, ALONG SAID PARALLEL LINE TO THE CENTERLINE OF GARFIELD AVENUE (GARFIELD STREET AS SHOWN ON SAID MAP).

RESERVING THEREFROM AN EASEMENT FOR WATER PIPELINE AND APPURTENANCE PURPOSES OVER THE ABOVE DESCRIBED LAND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID LOT 21 IN BLOCK "B", OF THE GARFIELD STREET ADDITION TO HUNTINGTON BEACH; THENCE

EXHIBIT A

LEGAL DESCRIPTION (CONTINUED)

SHEET 2 OF 2

ALONG THE NORTHERLY LINE OF SAID LOT 21, NORTH 89°42'45" WEST A DISTANCE OF 4.00 FEET, TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG THE NORTHERLY LINE OF SAID LOT 21, NORTH 89°42'45" WEST A DISTANCE OF 10.00 FEET; THENCE LEAVING THE NORTHERLY LINE OF SAID LOT 21, SOUTHERLY AT RIGHT ANGLES, SOUTH 0°17'15" WEST A DISTANCE OF 8.00 FEET; THENCE EASTERLY, PARALLEL WITH SAID NORTHERLY LINE OF SAID LOT 21, SOUTH 89°42'45" EAST A DISTANCE OF 10.00 FEET; THENCE NORTHERLY, NORTH 0°17'15" EAST A DISTANCE OF 8.00 FEET TO THE NORTHERLY LINE OF SAID LOT 21 ALSO BEING THE TRUE POINT OF BEGINNING.

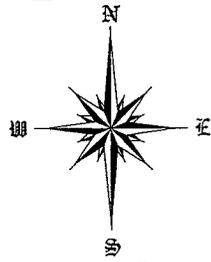
AS SHOWN ON EXHIBIT "B" AND EXHIBIT "C" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.



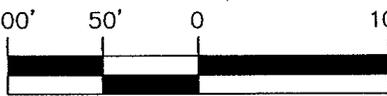
Daniel Rubio 11/12/08
DANIEL RUBIO, P.L.S. 8239

N.E. COR., NW 1/4
NW 1/4, SEC. 2,
T. 6 S., R.11 W.,
S.B.B.M.

☞ GARFIELD AVENUE



SCALE: 1" = 100'



GRAPHIC SCALE

☞ GOTHARD STREET

☞ MAIN STREET

☞ CLAY AVENUE

BLOCK 'C'
GARFIELD STREET ADDITION
TO HUNTINGTON BEACH
M.M. 7 / 27-28

BLOCK 'B'
GARFIELD STREET ADDITION
TO HUNTINGTON BEACH
M.M. 7 / 27-28

LOT 1
TRACT NO. 16740
M.M. 886 / 30-33

PARCEL 1
P.M. NO. 2000-207
P.M.B. 325 / 35-37

TRACT NO. 15984
M.M. 849 / 24-26

LOT 1
TRACT NO. 16289
M.M. 837 / 44-45

8'x10' EASEMENT RESERVED
FOR WATER PIPELINES AND
APPURTENANCE PURPOSES.
SEE EXHIBIT "C" FOR
ENLARGEMENT.

LEGEND:

 INDICATES AREA
DESCRIBED HEREIN



Daniel Rubio 12/2/08

DANIEL RUBIO
EXPIRES: 12/31/09

P.L.S. 8239

EXHIBIT "B"

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(N 89°41'17" W 55.63')

PARCEL 1
P.M. NO. 2000-207
P.M.B. 325 / 35-37

CENTER OF
EXISTING
FIRE HYDRANT

NORTHERLY LINE
OF LOT 21

(N 89°42'45" W 55.21')

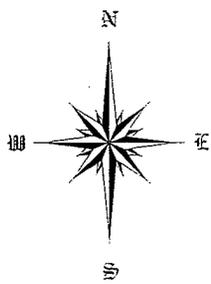
NORTHEAST
CORNER OF
LOT 21 OF
BLOCK "B"
-T.P.O.B.

(N 00°18'43" E 18.94')

(B)

(A)

P.O.B.



SCALE: 1"=10'



GRAPHIC SCALE

PORTION OF LOT 21
BLOCK "B"
GARFIELD STREET ADDITION
TO HUNTINGTON BEACH
M.M. 7 / 27-28

AREA:
1,406 S.F. GROSS
0.032 ACRES GROSS

R=290.00'

L=62.01' (C)

(N 19°18'43" E 51.27')

PARCEL 1
P.M. NO. 2000-207
P.M.B. 325 / 35-37

(S 45°42'01" W)
RAD.



GOTHARD STREET
R=330.00'

LINE TABLE	
BEARING	DISTANCE
A N 89°42'45" W	4.00'
B N 89°42'45" W	10.00'
C S 0°17'15" W	8.00'
D S 89°42'45" E	10.00'
E N 0°17'15" E	8.00'

LEGEND:

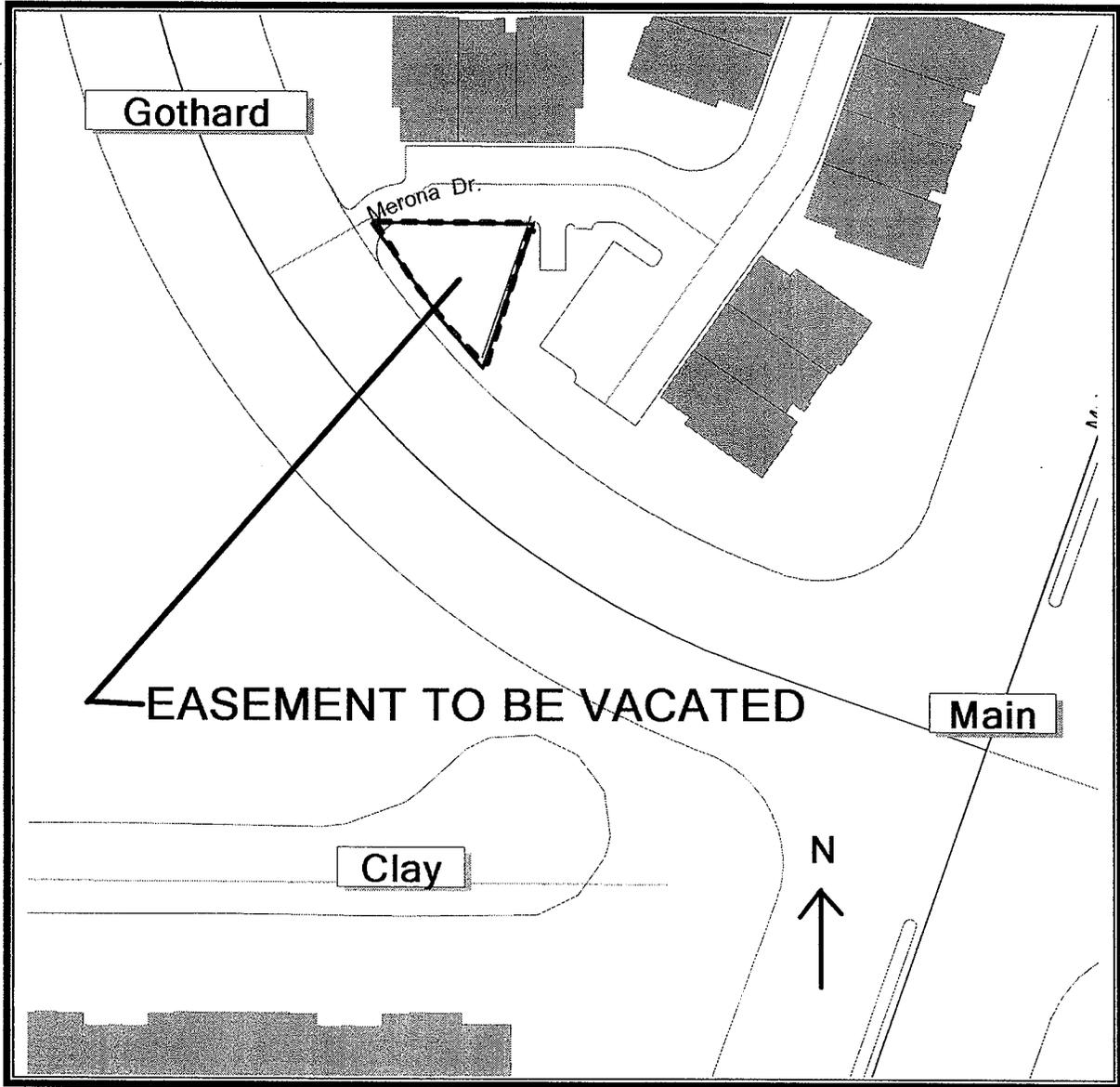
- INDICATES AREA DESCRIBED HEREIN
- P.O.B. POINT OF BEGINNING
- T.P.O.B. TRUE POINT OF BEGINNING
- S.F. SQUARE FEET
- (XXX) INDICATES RECORD DIMENSIONS PER PARCEL MAP NO. 2000-207, PMB 325/35-37.
- (C) INDICATES CALCULATED DATA FROM RECORD DIMENSIONS.
- INDICATES EASEMENT AREA WATER PIPELINES AND APPURTENANCES
- INDICATES AN EASEMENT FOR DOMESTIC WATER PURPOSES DEDICATED TO THE CITY OF HUNTINGTON BEACH ON PARCEL MAP 2000-207, FILED IN BOOK 325 PAGES 35-37 INCLUSIVE

Daniel Rubio 12/3/08
DANIEL RUBIO P.L.S. 8239
EXPIRES: 12/31/09

EXHIBIT "C"
33-13

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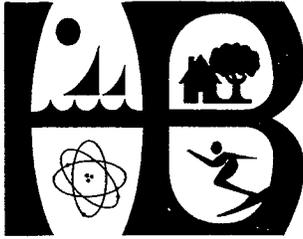
ATTACHMENT #2



LOCATION MAP
Street Easement to Be Vacated

ATTACHMENT #3

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Huntington Beach Planning Commission

2000 MAIN STREET

CALIFORNIA 92648

NOTICE OF ACTION

May 28, 2008

REC'D MAY 29 2008

Jim Wagner
City of Huntington Beach Public Works Department
2000 Main Street
Huntington Beach, CA 92648

SUBJECT: GENERAL PLAN CONFORMANCE #08-02 (GOTHARD STREET VACATION)

APPLICANT: Jim Wagner, City of Huntington Beach Public Works Department

REQUEST: To determine if vacation of a City easement on a portion of property previously condemned for the Gothard Street widening is in conformance with the goals, objectives, and policies of the General Plan

PROPERTY

OWNER: Joe Gergen, 211-B Main Street, Huntington Beach, CA 92648

LOCATION: East side of Gothard Street approximately 150 feet west of Main Street

DATE OF

ACTION: May 27, 2008

On Tuesday, May 27, 2008 the Huntington Beach Planning Commission took action on your application, and **approved** your request by adopting Resolution No. 1622, approving General Plan Conformance No. 08-02. Attached to this letter are the findings of approval.

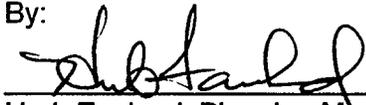
Under the provisions of the Huntington Beach Zoning and Subdivision Ordinance, the action taken by the Planning Commission becomes final at the expiration of the appeal period. A person desiring to appeal the decision shall file a written notice of appeal to the City Clerk within ten (10) calendar days of the date of the Planning Commission's action. The notice of appeal shall include the name and address of the appellant, the decision being appealed, and the grounds for the appeal. Said appeal must be accompanied by a filing fee of One Thousand, Five Hundred Forty-One Dollars (\$1,541.00) if the appeal is filed by a single family dwelling property owner appealing the decision on his own property and Two Thousand Three Hundred Seventy-Nine Dollars (\$2,379.00) if the appeal is filed by any other party. In your case, the last day for filing an appeal and paying the filing fee is June 9, 2008.

If you have any questions, please contact Hayden Beckman, Planning Aide, at hbeckman@surfcity-hb.org or at (714) 374-5317 or the Planning Department Zoning Counter at (714) 536-5271.

Sincerely,

Scott Hess, Secretary
Planning Commission

By:



Herb Fauland, Planning Manager

SH:HF:HB:lw

Attachments: Findings for Approval
Resolution No. 1622

c: Honorable Mayor and City Council
Chair and Planning Commission
Paul Emery, Interim City Administrator
Scott Hess, Director of Planning
Bill Reardon, Division Chief/Fire Marshal
Terri Elliott, Principal Civil Engineer
Gerald Caraig, Permit-Plan Check Manager
Property Owner
Project File

ATTACHMENT NO. 1

FINDINGS OF APPROVAL

GENERAL PLAN CONFORMANCE #08-02

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The Planning Commission finds that the proposed project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15306 of the CEQA Guidelines because the project involves information collection which does not result in major disturbance to an environmental resource.

FINDINGS OF APPROVAL – GENERAL PLAN CONFORMANCE NO. 08-002:

1. The proposed vacation of the easement on a 1,400 square foot property fronting Gothard Street is consistent with the following goals, objectives and policies of the General Plan:

A. Land Use Element

LU Goal 2: *“Ensure that development is adequately served by transportation infrastructure, utility infrastructure, and public services.”*

Gothard Street currently provides sufficient access to the surrounding industrial and residential uses. As a result of the past widening and realignment, the subject property is no longer necessary to support the circulation pattern of the adjacent areas.

LU Goal 4: *“Achieve and maintain high quality architecture, landscape, and public open spaces in the City.”*

The vacation of the easement would result in a transfer of land to the property owner and allow for private purposes, including improvements to the unimproved site that would advance the visual character of the Gothard Street corridor.

LU Policy 9.1.3: *“Require that multi-family residential projects be designed to convey a high level of quality and distinctive neighborhood character as discussed below.*

(e) Include an adequate landscape setback along the street frontage that is integrated with abutting sidewalks and provides continuity throughout the neighborhood.”

The subject property fronts Gothard Street and as an unimproved site does not contribute to integration or continuity of aesthetic character throughout the adjacent areas. Vacation of the easement will allow the remnant parcel to be incorporated into the adjacent development and used to provide the required 15 foot landscaping buffer along Gothard street frontage, as set forth by the Holly Seacliff Specific Plan, and possibly additional guest parking.

B. Circulation Element

CE Objective 1.1: *“Balance the circulation system with the circulation demands generated by the implementation of the City’s Land Use Element.”*

CE Goal 2: *“Provide a circulation system which supports existing, approved, and planned land uses throughout the City while maintaining a desired level of service on all streets and at all intersections.”*

The subject easement is no longer needed and its vacation will not have a detrimental impact on the circulation system.

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney’s fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

RESOLUTION NO. 1622

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HUNTINGTON BEACH FINDING THAT THE VACATION OF A CITY EASEMENT ON A PROPERTY LOCATED ON THE EAST SIDE OF GOTHARD STREET APPROXIMATELY 150 FEET WEST OF MAIN STREET IS IN CONFORMANCE WITH THE GENERAL PLAN (GENERAL PLAN CONFORMANCE NO. 08-002)

WHEREAS, the Government Code of the State of California, Section 65402, provides that a local agency shall not acquire real property, nor dispose of any real property, nor construct a public building or structure in any county or city until the location, purpose, and extent of such activity has been reported upon as to conformity with the adopted General Plan; and

WHEREAS, the City of Huntington Beach has declared its intention to vacate an easement upon the subject site, a remnant portion of property located along the east side of Gothard Street approximately 150 feet west of Main Street. (APN: 111-150-24)

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Huntington Beach as follows:

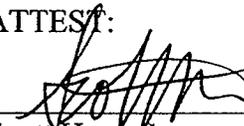
SECTION 1: The subject site is an unimproved remnant property designated as a right of way on the General Plan Land Use Map.

SECTION 2: The easement vacation for private use is in conformance with the goals, objectives, and policies of the City's adopted General Plan.

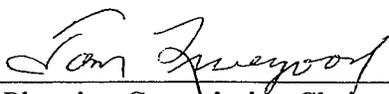
PASSED AND ADOPTED by the Planning Commission of the City of Huntington Beach at a regular meeting held on the 27th day of May 2008, by the following vote:

AYES: Farley, Dwyer, Shier-Burnett, Livengood, Shaw, Speaker, Scandura
NOES: None
ABSENT: None
ABSTAIN: None

ATTEST:



Scott Hess, Secretary



Planning Commission Chairperson

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