

CITY OF YUBA CITY
STAFF REPORT

Date: May 1, 2007
To: Honorable Mayor & Members of the City Council
From: Public Works
Presentation by: George Musallam, Public Works Director

Summary

Subject: Summary Vacation of Excess Right-of-Way on the west side of Jones Road south of Lincoln Road [vicinity of 1020 Lincoln Road]
Recommendation: Adopt a resolution summarily vacating excess right-of-way on the west side of Jones Road south of Lincoln Road.
Fiscal Impact: None

Background:

Through the City's Capital Improvement Program, there is \$400,000 in traffic impact fees set aside in Streets and Roads Account No. 92061-65501 for the improvement of Lincoln Road. The Engineering Division is proposing to widen and construct street improvements at the southwest corner of Lincoln Road and Jones Road, identified as 1020 Lincoln Road (AP# 54-181-004), to match the roadway improvements to the west and south. This work will complete the widening of the south side of Lincoln Road from Phillips Road to east of Railroad Avenue. However, in order to construct the improvements, the City needs to obtain additional right-of-way from the property owners, Arun and Parveen Aery.

Analysis:

Jones Road was dedicated to Sutter County by easement in the 1800s. In 1992, the south leg of Jones Road was realigned to match the north leg, which created an excess of right-of-way on the west side of Jones Road. The Aerys have agreed to dedicate right-of-way and a public utility easement, approximately 904 square feet, to the City along Lincoln Road at no cost if the City will vacate the excess right-of-way, approximately 5,731 square feet, but retain a 1,555 square foot public utility easement along the portion of Jones Road that fronts the Aerys' property. As Jones Road is in easement only, once the City vacates the easement the property will automatically revert back to the adjacent property owner, which in this case is the Aerys.

There are two methods by which a street can be vacated. Section 8320-8325 of the Streets and Highways Code specifies the procedure for a general vacation, which requires a public hearing, notice in the newspaper, posting of notices along the portion of right-of-way/easement to be vacated, and action by the legislative body of the local agency. Section 8330-8334.5 of the Streets and Highways Code describes the procedure for summarily vacating a street, which only requires action by the legislative body of the local agency. This particular portion of Jones Road may be summarily vacated per Section 8334 of the Streets and Highways Code as it is "an excess right-of-way of a street or highway not required for street or highway purposes."

Once the Council adopts the attached resolution to summarily vacate, the resolution will be recorded and the easement shall be officially terminated. Staff will not take the resolution to be recorded until such time as a signed deed for the dedication of additional right-of-way along Lincoln Road is received from the Aerys.

The proposed project to widen the southwest corner of Lincoln Road and Jones Road is just one of many projects needed to complete the widening of Lincoln Road. In the City's proposed AB 1600 study, the portion of Lincoln Road between Walton Avenue and Garden Highway is earmarked for collection of traffic impact fees for the eventual widening to a 4-lane arterial. However, this will take many years to complete as portions are still in the County and additional right-of-way has to be acquired.

Fiscal Impact:

There is no fiscal impact associated with the summary vacation of the excess portion of Jones Road. With the dedication of the right-of-way needed along Lincoln Road, the Engineering Division will prepare plans and specifications for the widening and construction of street improvements along 1020 Lincoln Road. It is anticipated that the improvements will cost approximately \$100,000.

Alternatives:

Do not summarily vacate the right-of-way. If this alternative is chosen, then the City will not be able to obtain the necessary right-of-way on Lincoln Road to construct the street improvements at this time.

Recommendation:


Adopt a resolution summarily vacating excess right-of-way on the west side of Jones Road south of Lincoln Road.

Prepared by:



Sharon Lydon
Engineering Technician

Submitted by:



Steven R. Jepsen
City Manager




Diana Langley
Senior Engineer


Reviewed by:

Department Head

Finance

City Attorney





RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUBA CITY
SUMMARILY VACATING EXCESS RIGHT-OF-WAY ON THE WEST SIDE OF
JONES ROAD SOUTH OF LINCOLN ROAD.**

BE IT RESOLVED AND ORDERED by the City Council of the City of Yuba City as follows:

1. This resolution of vacation, i.e., summary vacation, is made and adopted pursuant to Chapter 4 entitled "Summary Vacation" commencing with Section 8330 of the California Streets and Highways Code.
2. The portion of the right-of-way being summarily vacated by the terms of this resolution is a portion of the right-of-way located on the Record Map of Hillcrest Courtyard as recorded in Book 16 of Parcel Maps at Page 86. A precise description of the portion of the right-of-way being vacated is reflected on the map attached to this resolution which is by this reference incorporated herein and made a part hereof.
3. This vacation is made pursuant to the authority embodied in Streets and Highways Code, Section 8334, in that the right-of-way being vacated by this resolution is considered to be excess and there are no other public facilities located within the right-of-way.

BE IT FURTHER RESOLVED AND ORDERED that based upon the foregoing facts recited above, the City Council of the City of Yuba City orders the summary vacation of the right-of-way as presently shown to be vacated on the attached plat, finding and determining that each of the foregoing facts is true and correct and supports and justifies the summary vacation of the portion of the right-of-way.

BE IT FURTHER RESOLVED AND ORDERED that the resolution of vacation, from and after the date of its recordation, shall terminate the portion of the right-of-way as shown to be vacated on the attached plat and, upon such recordation, the vacation shall be deemed complete.

The foregoing resolution was duly and regularly introduced, passed, and adopted by the City Council of the City of Yuba City at a regular meeting thereof held on the 1st day of May 2007.

AYES:

NOES:

ABSENT:

MAYOR

ATTEST:

CITY CLERK



1" = 50'

LINCOLN ROAD

$\Delta = 30^{\circ}56'19''$
R = 20.00
L = 10.80'

S88°25'35"E 88.81'

$\Delta = 87^{\circ}49'41''$
R = 20.00
L = 30.66'

N0°50'53"W 135.00'

N0°50'53"W 115.83'

S0°50'53"E 57.64'

JONES ROAD

S88°25'35"E 107.99'

$\Delta = 5^{\circ}59'34''$
R = 470.00
L = 49.16'

N88°25'35"W 43.84'

54-181-003

54-250-012

54-250-013

54-250-014


54-250-015

54-250-016

ARBOR DRIVE

.132 acres

LEGEND

- EXISTING RIGHT of WAY
-  RIGHT OF WAY TO BE VACATED BY CITY



RESOLUTION No. _____	DOCUMENT NO. _____
CITY of YUBA CITY CITY OF YUBA CITY VACATION PLAT SW CORNER LINCOLN & JONES	
SUBMITTED BY: sal	DATE DRAWN: 4-9-07
APPROVED _____	DRAWN BY: sal
APPROVED _____	CHECKED BY: staff
	DWG. No. XXXX A



SCALE: 1" = 300'

VACATION PLAT

