



STAFF REPORT

CITY of YORBA LINDA

PUBLIC WORKS DEPARTMENT

DATE: JANUARY 18, 2022

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: JAMIE LAI, P.E., DIRECTOR OF PUBLIC WORKS / CITY ENGINEER
PREPARED BY: JESSE GUTIERREZ, ASSESSMENT DIST. MANAGER

SUBJECT: RESOLUTION NO. 2022-5780 - INTENT TO VACATE A PORTION OF THE
LANDSCAPE EASEMENT AT 5851 DEERFOOT LANE

RECOMMENDATION

It is recommended that City Council:

1. Adopt Resolution No. 2022-5780, declaring its intent to vacate a portion the landscape easement at 5851 Deerfoot Lane; and
2. Direct staff to require a release of liability agreement be executed by the property owner to allow the existing above grade irrigation lines to be left in place; and
3. Set February 15, 2022, as the Public Hearing date for the vacation process.

BACKGROUND

The property owner at 5851 Deerfoot Lane ("Subject Property") has requested a partial vacation of the landscape easement on the property in order to construct a fence along the rear perimeter of the property. The Subject Property is located near the end of the cul-de-sac on Deerfoot Lane and is in Local Landscape Assessment District (LMAD) Zone L4A.

DISCUSSION

The property owner submitted a site plan with a proposed fence along the back perimeter of the property. Staff reviewed the site plan and found that the proposed improvements are located within a city easement for landscape purposes. The easement area is located on a landscaped slope that was part of the original development.

The proposed improvements would conflict with the irrigation and maintenance operations of the landscaped area. The property owner indicated an interest in acquiring a portion of the landscape easement. The existing irrigation system would be modified to exclude the area proposed to be vacated. Staff reviewed the property owner's proposed improvements within the landscape easement and find in favor of a partial vacation the landscape easement.

Streets and Highways Code Section 8300 et seq. sets forth the procedures for vacating public service easements such as the subject landscape easement. First, the City Council adopts a resolution declaring its intent to vacate the easement, instructs the City Clerk to set the hearing, and further, publishes and posts the required notices. By adopting the attached resolution, the City Council will initiate the process for partially vacating the referenced portion of the landscape easement.

The public hearing must be scheduled for a date that is at least fifteen (15) days after the date the proceedings were initiated. Additionally, the notice of the public hearing must be published for two successive weeks prior to the public hearing. Based upon these time constraints, City staff anticipates that the public hearing on the partial vacation of the easement will occur on February 15, 2022. At the public hearing, the City Council may order the partial vacation of the easement after hearing all testimony and evidence presented by interested persons, if the City Council finds that such easement is unnecessary for present or prospective public use.

Pursuant to Government Code 65402, the Planning Commission will need to make a finding that the proposed disposition of the property is consistent with the City's General Plan. This is scheduled to occur at the next available Planning Commission meeting.

FISCAL IMPACT

The costs associated with the posting of public notices, staff time, and consultant time to prepare plat and legal descriptions will be covered using the deposited funds provided by the property owner.

ALTERNATIVES

Do not set the Public Hearing and provide alternative direction to staff.

ATTACHMENTS

1. Vicinity Map
 2. Resolution No 2022-5780
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