



# STAFF REPORT

## CITY of YORBA LINDA

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### PUBLIC WORKS DEPARTMENT

**DATE:** FEBRUARY 15, 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:** PUBLIC HEARING DECLARING THE VACATION OF A PORTION OF THE LANDSCAPE EASEMENT AT 5851 DEERFOOT LANE

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### RECOMMENDATION

It is recommended that City Council:

1. Adopt Resolution No. 2022-5784 (Attachment 2), declaring a portion of the landscape easement at 5851 Deerfoot Lane, Assessor's Parcel Number (APN) 348-221-14, as unnecessary for present or prospective public use and vacating the same pursuant to California Streets & Highways Code Section 8300 et seq.; and
2. Direct staff to remove the existing irrigation lines, within the proposed vacation areas; and
3. Direct staff to continue to irrigate and maintain the designated areas until the final recordation of the landscape easement vacation documents are processed; and
4. Direct the City Clerk to cause a certified copy of the proposed resolution to be recorded in the Office of the Clerk-Recorder, County of Orange upon completion of any removal of irrigation equipment undertaken by the City.

### BACKGROUND

The property owner at 5851 Deerfoot Lane, APN 348-221-14, ("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.

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

**PUBLIC HEARING DECLARING THE VACATION OF A PORTION OF THE LANDSCAPE EASEMENT AT 5851 DEERFOOT LANE**

Page | 2

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 and is in favor of a partial vacation the landscape easement.

On January 18, 2022, the City Council approved Resolution No. 2022-5780 declaring its intent to vacate the landscape easement at 5851 Deerfoot Lane, directed staff to require a release of liability agreement be executed by the property owner to allow the existing above grade irrigation lines to remain in place, and to set February 15, 2022, as the Public Hearing date for the vacation process. The property owner has elected not to retain the City's existing above-grade irrigation lines, necessitating their removal by staff. Therefore, there is no need for the Agreement to Transfer Improvements, Assumptions of Liability, and Release to be executed.

**DISCUSSION**

The purpose of this public hearing is to hear evidence and testimony offered by persons interested in the proposed vacation. At the conclusion of the public hearing, if the City Council finds that the landscape easement is unnecessary for present or prospective public use, the City Council may order the vacation of the easements by adopting Resolution No. 2022-5784 (Attachment 2).

Streets & Highways Code Section 8300 et seq. sets forth the procedures for vacating public service easements, such as said landscape easement. First, the City Council adopts a resolution declaring its intent to vacate the easement and instructs the City Clerk to set the hearing and publish and post the required notices. On January 18, 2022, the City Council adopted Resolution No. 2022-5780, declaring its intent to vacate the landscape easement, and directing staff to publish and post the Notice of the Public Hearing on the proposed vacation.

The City Clerk has caused the Notice of Public Hearing to be published in the Yorba Linda Star for two consecutive weeks prior to the public hearing. The City Engineer has caused the Notice of Public Hearing to be posted on the property pursuant to the requirements of the Streets & Highways Code.

The disposition of the subject property is consistent with the City's General Plan. Pursuant to Government Code 65402, the General Plan consistency finding was made by the Planning Commission at the February 09, 2022 (Pending) meeting.

**FISCAL IMPACT**

There will be minor costs related to 1) the modification of the existing irrigation systems, via removal of applicable above-grade lines, to isolate them from the areas that will no longer be maintained; and 2) the irrigation and maintenance that will continue until the completion

**PUBLIC HEARING DECLARING THE VACATION OF A PORTION OF  
THE LANDSCAPE EASEMENT AT 5851 DEERFOOT LANE**

Page | 3

of the easement vacation process. The costs associated with the modification of the existing irrigation system will be covered using the deposited funds provided by the property owner. Deposited funds are available in the Project Account No. 7010000-227560, for vacation number VAC21-002.

**ALTERNATIVES**

Do not accept the staff recommendation and defer action to a later date.

**ATTACHMENTS**

1. Attachment 1 – Vicinity Map
  2. Attachment 2 – Resolution No. 2022-5784, with Exhibits
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