



STAFF REPORT

CITY of YORBA LINDA

PUBLIC WORKS DEPARTMENT

DATE: JULY 19, 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 THE LANDSCAPE EASEMENT AT 24340 VIA LENARDO

RECOMMENDATION

It is recommended that City Council:

1. Adopt Resolution No. 2022-5815 (Attachment 2), declaring the landscape easement at 24340 Via Lenardo, Assessor's Parcel Number (APN) 353-244-09, 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 execute a release agreement with the property owner to keep existing on-grade irrigation infrastructure within the proposed vacated easement area; 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 24340 Via Lenardo ("Subject Property") has requested the vacation of the landscape easement on the property in order to extend his backyard. The Subject Property is located on Via Lenardo and is in the local Landscape Maintenance Assessment District (LMAD) Zone L1-A. The easement is located on the slope at the rear of the property which abuts the BNSF railroad easement.

Staff reviewed the property owners request and found that the proposed improvement would be located within the city easement for landscape maintenance purposes. The easement area is located on at the rear landscaped slope abutting the BNSF railroad easement 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 the landscape easement. The existing irrigation system would be modified to exclude the area proposed to be vacated. Staff reviewed the property owner's request and is in favor of the vacation the landscape easement.

On June 21, 2022, the City Council approved Resolution No. 2022-5808 declaring its intent to vacate the landscape easement at 24340 Via Lenardo, 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 July 19, 2022, as the Public Hearing date for the vacation process.

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. 2022-5815 (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 June 21, 2022, the City Council adopted Resolution No. 2022-5808, 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 and staked on the property pursuant to the requirements of the Streets & Highways Code, not later than June 30, 2022.

Pursuant to Government Code section 65402, the Planning Commission considered and found that the proposed disposition of the property is consistent with the City's General Plan. This finding was made at a Planning Commission meeting, which was held on July 13, 2022.

FISCAL IMPACT

There will be minor costs related to 1) the modification of the existing irrigation systems to isolate them from the areas that will no longer be maintained; and 2) the irrigation and maintenance that will continue until the completion 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 VAC22-001. There will be a reduction in potential future operating and maintenance costs to the Zone by way of removing future maintenance and irrigation responsibilities.

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. 2022-5815, with Exhibits
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