



# STAFF REPORT

## CITY of YORBA LINDA

### PUBLIC WORKS DEPARTMENT

**DATE:** JUNE 21, 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. 2022-5808 - INTENT TO VACATE THE LANDSCAPE EASEMENT AT 24340 VIA LENARDO

### **RECOMMENDATION**

It is recommended that City Council:

1. Adopt Resolution No. 2022-5808, declaring its intent to vacate the landscape easement at 24340 Via Lenardo; and
2. Direct staff to draft 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 July 19, 2022, as the Public Hearing date for the vacation process.

### **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 Local Landscape 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.

### **DISCUSSION**

The property owner is requesting the vacation of the landscape easement, as depicted and described in the attached Legal Description "Exhibit to Resolution" to extend his back yard. 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 to extend their backyard. 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 the 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 July 19, 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. 2022-5808, with exhibits
-