



CITY COUNCIL AGENDA STATEMENT



March 17, 2020

File ID: 19-0587

TITLE

- A. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA ORDERING THE SUMMARY VACATION OF A PORTION OF TELEGRAPH CANYON ROAD

- B. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA DECLARING CITY-OWNED LANDS WITHIN TELEGRAPH CANYON ROAD AS EXEMPT SURPLUS LANDS AND APPROVING TRANSFERS OF THE CITY-OWNED EXEMPT SURPLUS LANDS TO ADJACENT PROPERTY OWNERS

RECOMMENDED ACTION

Council adopt the resolutions.

SUMMARY

The owners of 20 residences along the southerly right of way of Telegraph Canyon Road are requesting the vacation of a portion of Telegraph Canyon Road. Telegraph Canyon Road was dedicated to the County of San Diego with the recordation of Grant Deed No. 121961, which was subsequently acquired by the City. The portion of street right-of-way proposed for vacation is excess and not needed for any future street widening. In accordance with Sections 8334(a) and 8335 of the California Streets and Highways Code, the City may summarily vacate a portion of Telegraph Canyon Road through adoption of a resolution. Additionally, City staff has conditionally agreed, pending City Council approval, to transfer the property underlying the proposed vacated sections of Telegraph Canyon Road to the adjacent property owners as the properties are no longer needed for public street purposes and a transfer would relieve the City of the responsibilities and liabilities associated with ownership of these properties.

ENVIRONMENTAL REVIEW

The Director of Development Services has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity qualifies for a Class 5 Categorical Exemption pursuant to Section 15305 (Minor Alterations in Land Use Limitations) of the State CEQA Guidelines because the activity consists of a minor transfer of vacated right-of-way to adjacent owners. Thus, no further environmental review is necessary.

BOARD/COMMISSION/COMMITTEE RECOMMENDATION

Not Applicable.

DISCUSSION

On September 2019, the owners of Lots 19-38, Telegraph Knolls Subdivision, requested approval of the partial vacation of Telegraph Canyon Road adjacent to the Knolls Subdivision. Telegraph Canyon Road is located between Hilltop Drive and Melrose Avenue, abutting the Knolls subdivision. Telegraph Canyon Road was created, dedicated, and accepted by the County of San Diego with the recordation of Grant Deed for Road Survey No. 1086 book 6705, page 57-61 recorded per document No. 121961 on August 13th, 1957, and subsequently acquired by the City.

California Streets and Highways Code §§ 8334(a) and 8335 provides that a local agency may summarily vacate, by resolution, excess right-of-way of a street or highway that is not required for street or highway purposes. City staff has reviewed the proposed vacation area and determined that the 22-foot portion of the southerly right-of-way adjacent to Lot 19-38 would not impact the adopted General Plan Circulation Element and is not needed for street or highway purposes as Telegraph Canyon Road has been built to the ultimate unclassified two-lane undivided road. As such, this portion of Telegraph Canyon Road may be summarily vacated.

In addition to the proposed vacation, City staff also recommends that the underlying City-owned land within the vacated area be transferred to the adjacent property owners. The Surplus Lands Act (Cal. Gov. Code §§ 54220 et seq.) provides the general framework and legal requirements for disposal of a local agency's surplus real property. The Act provides certain exemptions from the requirements of the Act for "exempt surplus land", which includes land that is former right-of-way that is conveyed to an owner of an adjacent property (Cal. Gov. Code § 54221(f)(1)(E)). Here, the land proposed to be conveyed qualifies as "exempt surplus land" and the procedures in the Act do not apply to the proposed transfers.

Chula Vista Municipal Code section 2.56.130 provides that the City may sell real property at less than fair market value upon a determination by the City Council that such sale will be in the public interest. Here, staff believes the proposed transfers would be in the public interest as they would relieve the City of the maintenance responsibilities and liabilities associated with ownership of the properties are not suitable for public use. Further, the adjacent property owners have agreed to make a deposit to the City to cover all staff costs associated with processing of the vacations and transfers and therefore staff does not anticipate any negative fiscal impact to the City to process the vacations and transfers.

City staff recommends that the City Council adopt the resolutions to summarily vacate a portion of Telegraph Canyon Road, declare the underlying real property within the vacated area as exempt surplus land, and approve transfers of the real property within the vacated area to the adjacent property owners.

DECISION-MAKER CONFLICT

Staff has reviewed the property holdings of the City Council members and has found no property holdings within 1,000 feet of the boundaries of the property which is the subject of this action. Consequently, this item does not present a disqualifying real property-related financial conflict of interest under California

Code of Regulations Title 2, section 18702.2(a)(7) or (8), for purposes of the Political Reform Act (Cal. Gov't Code §87100, et seq.).

Staff is not independently aware and has not been informed by any City Council member, of any other fact that may constitute a basis for a decision maker conflict of interest in this matter.

LINK TO STRATEGIC GOALS

The City's Strategic Plan has five major goals: Operational Excellence, Economic Vitality, Healthy Community, Strong and Secure Neighborhoods and a Connected Community. The proposed action addresses the Operational Excellence and the Connected Community goals as city staff verifies that required infrastructure is being built to effectively serve the community.

CURRENT-YEAR FISCAL IMPACT

All costs associated with processing the summary vacation is borne by the property owners through deposit account #DDA0157, resulting in no net fiscal impact to the General Fund or the Development Services Fund.

ONGOING FISCAL IMPACT

There is no ongoing fiscal impact associated with the summary vacation of a portion of Telegraph Canyon Road.

ATTACHMENTS

1. Map 3665 Telegraph Knolls
2. Property Exhibits
3. Grand Deed-Telegraph Canyon Road

Staff Contact Jose Luis Gomez, Principal Civil Engineer