



CITY OF ANGELS COMMUNITY DEVELOPMENT

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DATE: October 6, 2026

TO: City of Angels City Council

FROM: Amy Augustine, AICP – City Planner

RE: Public Hearing to adopt Resolution 26-78 (or an alternative) declaring a portion of the alleyway between Mark Twain Elementary School and 784/786 Stanislaus Avenue totaling 2,365± square feet as Exempt Surplus Land pursuant to the State Surplus Land Act - Government Code Section 54221(f)(1)(E) - Land that is a former street, right-of-way or easement, and is conveyed to an owner of an adjacent property. The land does not meet any of the criteria listed in Government Code Section 54221(f)(2). See two alternatives below.

RECOMMENDATION

Option 1 (Recommended):

- Adopt Resolution No. 26-78; and
- Authorize the City Planner to forward a certified copy of the Resolution to the California Department of Housing and Community Development in accordance with state law; and
- Authorize the City Administrator to sign the necessary deeds and/or transactional documents on behalf of the City to execute the identified property transaction after HCD review; and
- Authorize the City Clerk to forward the executed deeds and transactional documents for the property to the Calaveras County Recorder's Office for recording; OR

Option 2:

- Adopt Resolution No. 26-78; and
- Authorize the City Planner to forward a certified copy of the Resolution to the California Department of Housing and Community Development in accordance with state law; and
- Authorize the City Administrator to sign the necessary deeds and/or transactional documents on behalf of the City to execute the identified property transaction after HCD review; and
- Authorize the City Clerk to forward the executed deeds and transactional documents for the property to the Calaveras County Recorder's Office for recording; and
- **Adopt Resolution 26-84A directing staff to pursue abandonment of the remainder of the alleyway under a separate action and allocating \$10,844 from the general fund to cover costs**

including a maximum of \$4,656 in potential litigation-related costs. Litigation-related costs shall not exceed \$4,656 without prior authorization from the City Council.

- Adopt a budget amendment for \$10,844; OR

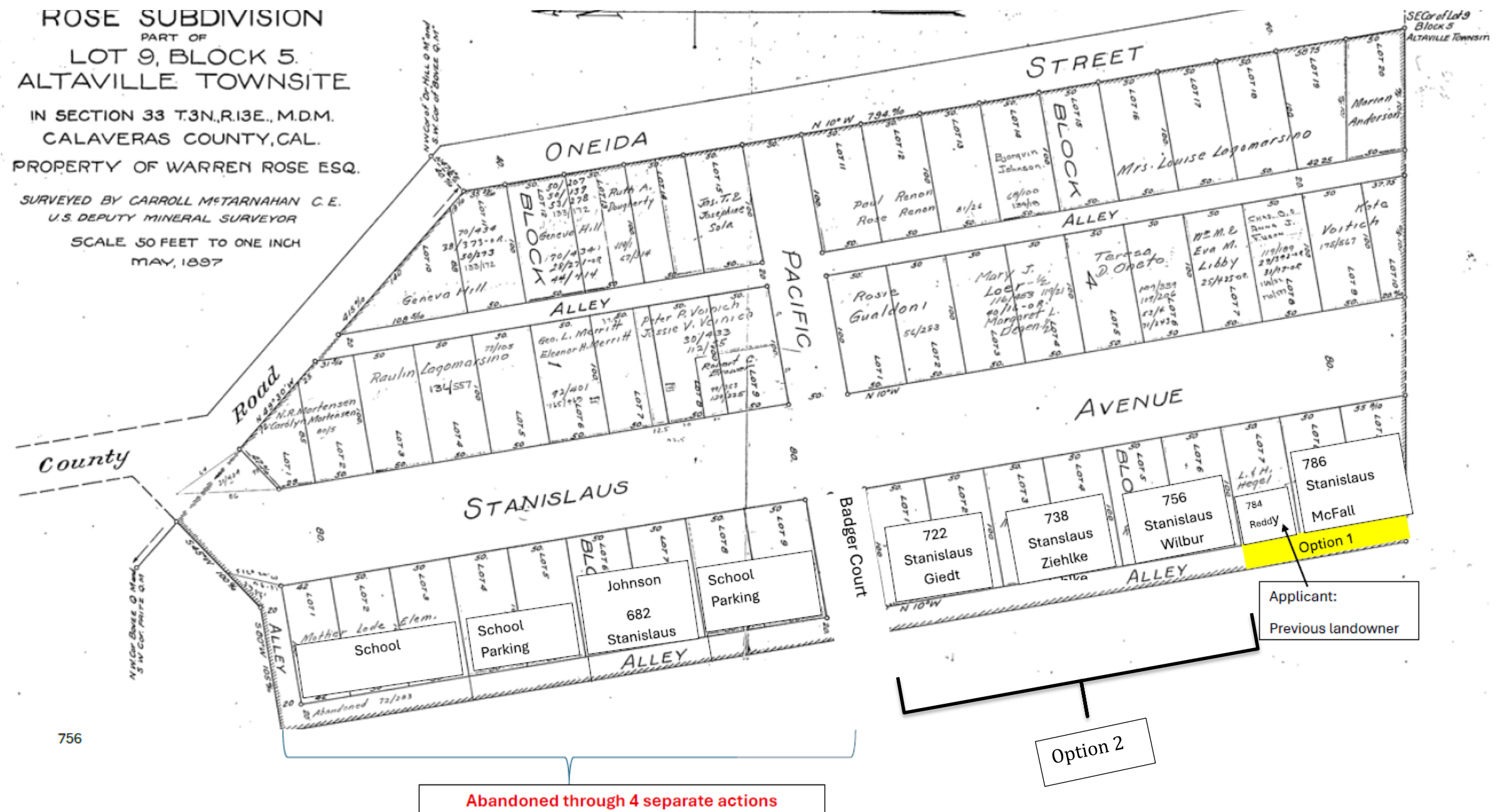
Option 3:

- Deny Resolution 26-78.
- Approve Resolution 26-84B directing staff to pursue abandonment of 100% of the alleyway south of Badger Court only (i.e., no partial abandonment, all-or-nothing); and allocating \$10,844 from the general fund to cover costs including a maximum of \$4,656 in potential litigation-related costs. Litigation-related costs shall not exceed \$4,656 without prior authorization from the City Council.
- Adopt a budget amendment for \$10,844.

BACKGROUND

The alleyway extending *south* from Badger Court to north of Gold Cliff is shown in **Figure 1**. Ownership of each lot is identified. Please note that the alleyway *north* of Badger Court already was abandoned through four prior actions.

Figure 1: Alleyway



The item to abandon a portion of the alleyway shown in **Figure 1** (behind 784/786 Stanislaus), was originally presented September 15, 2026. It is being returned to Council to determine whether an affirmative vote can be secured for the project as described (**Option 1**). The project is the result of a landowner application (former owner of 784 Stanislaus as a condition of escrow). Resolution 26-78 failed passage on a vote of two in favor (Chimente, Broglio) and two opposed (Behiel, Scott) with Mayor Schirato absent. Reasoning provided in opposition was a desire to also abandon/vacate the remainder of alleyway (i.e., behind 722, 738 and 756 Stanislaus Avenue) at the same time.

The cost for abandoning the area behind 722, 738 and 756 Stanislaus is *estimated* at \$10,844 (with a limitation of \$4,656 in legal costs) as follows:

Item	Unit or /hr.	Cost
Prepare and publish legal notice for Planning Commission and City Council	2 @ \$350.00	\$700.00
City Survey review and preparation of legal descriptions for three transfers	3 @ \$500.00	\$1,500.00
City Staff time to negotiate alley transfers to 3-4 landowners at 722, 738, 756 and/or Mark Twain Elementary, or ½ and ½ per landowner/school agreement	20 hrs. \$90/hr.	\$1,800.00
Prepare Planning Commission Finding of General Plan Conformity/meeting; Prepare City Council Surplus Land Act agenda item/supporting actions	10 hrs. \$90/hr.	\$900.00
Staff/Surveyor Prepare 3-4 deeds (if school involved, include assistance with preparing ordinances), Record Deeds	10 hrs. \$90/hr.	\$900.00
City Attorney review deeds	2 hrs. \$194/hr.	\$388.00
<i>Subtotal</i>		<i>\$6,188.00</i>
Contingency – Legal Fees if landowner(s) challenge(s) abandonment – maximum without additional allocation from City Council	24 hrs. \$194/hr	\$4,656.00
Grand Total		\$10,844.00

The applicant paid the City's application fee for vacating an easement (current fee is \$1,784 per application without 2026 COLA). That fee covered the costs of legal notice for the public hearing before the Planning Commission, legal notice for a public hearing before the City Council, City Surveyor time to review the application and prepare legal descriptions, and City Planner time to prepare staff reports. The adjoining parcel, which also includes an apartment complex built over the alley, was included (no objections and no interference with the status quo). Additional landowners were notified and asked if they also would accept the alleyway adjoining their parcels. Unfortunately, the owner of Lots 5 and 6 (Wilbur) raised objections because the alley is being used for access to the garage on the property (located behind the house). Upon the most recent inspection, storage also is occurring within the alley (**Figure 2**).

The remainder of the alley is shown in **Figure 3**.

Figure 2: Lots 5/6 (Wilbur)



Figure 3: Alleyway



Staff has provided additional options to Council to pursue vacation of the remainder of the alleyway as follows:

- **Option 2 (Resolution 26-84A)** to allow the current project to proceed (partial vacation per landowner application) and commence pursuit of abandonment of the remainder portion of the alley. This option would be funded through the City General Fund.
- **Option 3 (Resolution 26-84B)** provides an option to require 100% abandonment of the alleyway all at one time (only) and deny the request for partial abandonment if the remainder of the alleyway cannot be abandoned. This option would be funded through the City General Fund.

California Government Code 65402(a) requires the Planning Agency (Planning Commission) to determine that no street shall be vacated or abandoned until the location, purpose, and extent of such street vacation or abandonment has been submitted to and reported upon by the Planning Agency as to conformity with the general plan or part thereof and report its findings to the City Council.

On August 13, 2026; the Planning Commission passed Planning Commission Resolution 26-10 making a Finding of General Plan Conformity pursuant to Government Code Section 65402(a) to abandon a portion of the alley between Mark Twain Elementary School and 784 Stanislaus Avenue (APN 060-004-032, Rose Subdivision Lot 7, Swapna) and 786 Stanislaus Avenue (APN 060-004-028 and 060-004-032, Rose Subdivision Lots 8 and 9, McFall) and retain a sewer line easement based on the following:

The Rose Subdivision was created on June 4, 1897 as recorded in Map Book No. 1, Page 65, Calaveras County. In conjunction with its formation, the recorded map states: “all streets, roads and alleyways shown on the map and laid out on land owned by Warren Rose are set aside for public use” thereby establishing ownership by the City of Angels.

The alleyway originally bordered Rose Subdivision lots 1 through 9 to the north of Badger Court and Rose Subdivision Lots 1-9 to the south. Over the years, the City has vacated portions of the alleyway north of Badger Court and transferred ownership to Mark Twain Elementary School.

Lot 7 (APN 060-004-032) borders the alleyway to the south of Badger Court. A home was installed/constructed over the alleyway. Assessor records indicate the construction occurred in 1957.

The previous parcel owner applied to the City in 2021 requesting vacation of the alley behind her house to ensure that the home would be fully on Lot 7. Based on a site visit, it was determined the apartment complex on Lots 8 and 9 to the south of Lot 7 also encroaches into the alleyway. Therefore, staff are recommending vacation of that section of the alleyway also.

Staff notified the owners of all lots bordering the alley south of Badger Court to assess if additional vacations were warranted. The owner of Lots 5 and 6 informed the City that the alleyway currently serves their lot as a driveway to the back of their parcel. To maintain the “status quo,” the City is proceeding with abandoning only the alley bordering Lots 7, 8 and 9 and transferring ownership to the landowners adjoining those lots.

City staff have confirmed with police and fire that the alleyway no longer serves an emergency response purpose. City Engineering has asked that the City retain an easement across the alley for the City's existing sewer line.

Applicable General Plan goals, policies and programs are:

Goal 3.A Provide an integrated road system that is safe, efficient, maintains the rural character of Angels Camp and meets the current and projected community needs.

Policy 3.B.4 Adopt and facilitate construction of routes serving *low-impact modes of transportation* throughout the city that link together commercial, residential, school, recreational, public, and similar high-use land uses.

Program 3.B.j Consider the Use of Abandoned or Vacated Easements as Low-Impact Transportation Routes. When considering requests to abandon or vacate easements, the city shall consider the potential for the easement to be incorporated into the city's low- impact modes of transportation plan. If the route is consistent with the goals of the city's low-impact modes of transportation plan, then dedication of the route to the city or other public entity for a low-impact modes of transportation route should be considered as a condition of abandonment.

The subject alley segments are not contained in any short or long-range plans for circulation, transportation, recreational or for other City purposes in any adopted City, County, or Regional Plan. Therefore, the proposed vacation can be found consistent with the general plan.

Policy 2.A.1 Promote development of residential infill parcels for extremely low, very low, low and moderate-income housing.

Distributed Throughout the City/Map Infill Parcels

Continue to encourage the provision of smaller (e.g., duplex, triplex) multi-family infill projects in appropriately zoned districts through programs including, but not limited to:

- *City Waive application fees for lot mergers undertaken in conjunction with the provision of affordable housing pursuant to this program*

The proposed project will allow a lot merger with the adjoining alley making two legal nonconforming uses, both involving workforce housing, to move closer towards legal conformity (i.e., structures will be entirely on their own parcels without encroaching onto adjoining parcels). Therefore, the project may be found consistent with the general plan.

Program 7.C.i Continue to Implement the Citywide Weed Abatement Program Continue to implement the citywide weed abatement program in order to reduce fuel loads and fire hazards.

The alleyway does not always receive weed treatment. Ownership by the adjacent parcel owners will encourage weed maintenance thereby reducing fire hazard and safety consistent with the general plan.

A sewer line occupies the alleyway. A condition of project approval requires that the City retain a sewer easement prior to filing the appropriate instrument transferring the property to the adjacent owners.

Based on the preceding, the Planning Commission determined that the goals, policies and programs of the General Plan are not compromised by the vacation, will not negatively impact the intent of the General Plan, will not interfere with any current or future circulation plans and will, in fact, further the goals, policies and programs contained in the City of Angels General Plan Circulation Element. Therefore, the proposed vacation was found in conformity with the City of Angels General Plan.

ANALYSIS

In addition to a finding of general plan conformity; pursuant to the State Surplus Land Act (Act), transferring public property requires the City Council to declare the subject Property as exempt surplus land.

Per Government Code Section 54221(f)(1)(E), exempt surplus land includes land that is a former street, right-of-way or easement, and is conveyed to an owner of an adjacent property. As shown in the discussion above (Background), the proposed surplus land includes land that was a former right-of-way and is being conveyed to the owners of the adjacent properties and therefore meets the state definition of exempt surplus land.

In addition, none of the criteria identified in Government Code Section 54221(f)(2) may apply to be declared exempt surplus land. Those criteria are:

- (A) Within a coastal zone. – No portion of Angels Camp is within a coastal zone; therefore, this is inapplicable.
- (B) Adjacent to a historical unit of the State Parks System. There are no units of the State Parks System in Angels camp, therefore, this is inapplicable.
- (C) Listed on, or determined by the State Office of Historic Preservation to be eligible for, the National Register of Historic Places. There are no structures on or adjacent to the site determined eligible for the National Register of Historic Places, therefore, this is inapplicable.
- (D) Within the Lake Tahoe region. Angels Camp is not within the Lake Tahoe Region; therefore, this is inapplicable.

Based on the preceding, none of the criteria identified in Government Code Section 54221(f)(2) apply.

Based on all of the preceding, the City Council may declare the subject property exempt surplus property.

ENVIRONMENTAL ANALYSIS

The proposed transfer of public land to the adjoining parcel owners is exempt from the State Guidelines for the implementation of the California Environmental Quality Act Section 15061(b)(3), the commonsense rule. Specifically, no identified biological or cultural resources are found on the site, the proposed action will not interfere with current or future circulation plans, and no foreseeable physical changes to the environment, other than improved maintenance of the site by the landowners (a potential positive impact), will occur.

FISCAL IMPACT

No fiscal impact to the City is anticipated with Resolution 26-78. A cost of \$10,844 is anticipated for actions pursuant to City Council Resolution 26-84(A) and Resolution 26-84(B).

ATTACHMENTS

- A. Planning Commission Resolution 26-10 with Conditions of Project Approval
- B. City Council Resolution 26-78
- C. City Council Resolution 26-84(A)
- D. City Council Resolution 26-84 (B)

Figure 4

Alley Segments to be vacated



Alley segment previously vacated



