



Staff Report

TO: City Council
FROM: Jeff Hart, Public Works Director
DATE: October 05, 2021
SUBJECT: **Adopt a Resolution of The City Council of the City of Beaumont, California, Declaring Its Intention to Vacate Tenth Street Between Orange Avenue and Maple Avenue**

Background and Analysis:

On January 19, 2021, City Council directed City staff to move forward with a draft Stewart Park conceptual plan. The conceptual plan proposes the vacation of Tenth Street, between Orange Avenue and Maple Avenue to develop a contiguous park. Refer to Attachment A for the conceptual plan for Stewart Park.

In conjunction with the proposed vacation of Tenth Street to be considered by the City Council, City staff will prepare appropriate documentation to reserve existing public utility easements running through Tenth Street. By reserving existing easements, utility purveyors will have the ability to maintain their respective utilities within the area formerly maintained as Tenth Street.

Before the City Council can approve the vacation of Tenth Street, it must comply with all of the provisions of the California Streets and Highway Code (SHC) applicable for General Vacations. Section 8320 of the SHC allows for the City Council to initiate a street vacation proceeding by causing the the City Clerk to set a hearing date for the proposed street vacation. Section 8320 requires the City Council to cause the City Clerk to set the date, hour, and place of the street vacation hearing. Section 8320 also requires specific notices be published by the legislative body before the street vacation hearing date. The proposed street vacation hearing date shall be November 2, 2021. Prior to the public hearing City staff will cause the publishing and posting of the notices required by the SHC.

Section 8320(2) of the SHC requires the City to publish the Notice of Hearing for the proposed street vacation at least fifteen days (15) before the hearing date. Section 8322(a) requires the legislative body to publish the Notice of Hearing for the proposed

street vacation in a daily, semi-weekly, or weekly newspaper published and circulated in the City. City staff will publish all such notices.

Section 8323 of the SHC regulation requires the legislative body to post notices of street vacation along the line of the street at least two weeks before the public hearing. The notices shall be posted not more than 300 feet apart, but at least three (3) notices shall be posted. City staff will cause the posting of all such notices prior to the public hearing.

At the hearing of the proposed street vacation proposed to be held at the regular meeting of the City Council on November 2, 2021, Section 8324 requires the legislative body to hear evidence by persons interested in the proposed street vacation. Section 8324 allows the legislative body to adopt a resolution to vacate the proposed street, if the City Council finds, from all the evidence submitted, that the street described in the notice of hearing is unnecessary for present or prospective public use.

In conjunction with adopting a resolution to vacate the proposed street, Section 8341 requires that the resolution to vacate the street include a recital for the reservation of existing easements such as existing utility easements and existing emergency access easements, if required by the public agency. For this street vacation, City staff have determined that existing public utility easements shall be reserved as is provided in the attached resolution proposed to be adopted on November 2, 2021.

City staff has reviewed the California SHC provisions that a legislative body must follow when processing a street vacation. City staff will adhere to all of the regulations established by the SHC by initiating a proceeding for the proposed street vacation, scheduling a hearing date for the proposed street vacation, and by publishing the required notice of hearing in the local newspaper and posting the same. City staff recommends City Council adopt a Notice of Intent for the proposed street vacation of Tenth Street, between Orange Avenue and Maple Avenue for the date of the public hearing scheduled on November 2, 2021, under the SHC.

Fiscal Impact:

The cost of preparing the staff report is estimated to be \$1,300.

Recommended Action:

Waive the full reading and adopt by title only, "A Resolution of the City Council of the City of Beaumont, California, Declaring Its Intention to Vacate Tenth Street Between Orange Avenue and Maple Avenue."

Attachments:

- A. Conceptual Plan for Stewart Park
- B. Resolution of the City Council of the City of Beaumont, California, Declaring Its Intention to Vacate Tenth Street Between Orange Avenue and Maple Avenue
- C. Draft Legal Description and Plat for Tenth Street Vacation
- D. Draft Tenth Street Vacation Resolution
- E. California Streets and Highway Code for Street Vacation