



Date: June 9, 2026

Honorable Mayor and Council Members:

Author and title: Nathan Black, Associate Engineer

Title: **Adopt Resolutions Declaring Town Right of Way as Exempt Surplus Land under the Surplus Land Act and Approving Minor Street Vacation Pursuant to Stratton Land Exchange Agreement (APN 019-120-011-000).**

Jen Callaway, Town Manager

Recommended Action: That Council: (1) adopt Resolution 2026-23 declaring a 0.04 acre portion of Town right-of-way adjacent to West River Street as exempt surplus land pursuant to Government Code section 54221 (f)(1)(C); (2) direct Town staff to transmit a copy of Resolution 2026-23 to the California Department of Housing and Community Development; (3) adopt Resolution 2026-26 approving a Minor Street Vacation; and (4) authorize the Town Manager and/or Town Engineer to execute all documents necessary to meet the obligations of the Land Exchange Agreement.

Discussion: Edgar and Galeen Stratton (the "Strattons") are the current owners of the real property located at 10262 West River Street (APN 019-120-011-000), which is comprised of the property on the north and a small piece of real property, approximately 814 square feet, located on the south side of the West River Street right-of-way ("ROW"). The property is shown in Attachment 1.

The Town has acquired the dirt lot to the north of 10262 West River Street and east of 10250 West River Street from the Union Pacific Railroad with the intent of constructing a parking lot. To improve the traffic flow and functionality as a parking lot, the Town intends to construct a driveway access to the west side of the future parking lot. The driveway location necessitates an approximate 630 square foot portion of the Strattons property. Additionally, acquisition of the property located on the south side of West River Street will allow for improvements along the DEWBHEYUMUWE? Park frontage.

In exchange for the Town desired land, the Strattons have requested a strip of property south of the existing building to provide additional space between their building and the bike and travel lanes, which is approximately equal in size to the Town's request. The alignment of West River Street will shift to the south to accommodate the ROW abandonment and to help accommodate pedestrian and bicycle improvements on the north side of the road.

Land Exchange Agreement

On December 9, 2025, Town Council authorized the Town Manager to execute a Land Exchange Agreement (the "Agreement") between the Town and the Strattons. The Agreement was executed on January 12, 2026 and outlines the key deal points and the process to exchange Town-owned ROW for the Stratton property necessary for the planned improvements. The Agreement includes action items and timing necessary to complete the land exchange which are as follows:

- Within 6 months of the effective date of the Agreement, Town Council will approve ROW abandonment, contingent on acceptance of Offer of Dedication.

- Within 30 days of the Town Council's approval of the ROW abandonment, the Strattons will execute: a) an Offer of Dedication to Town; b) the Right-of-Way Quitclaim Deed; and c) a Right of Entry Agreement, granting temporary right of entry for construction.
- Following the Town's receipt of the executed Offer of Dedication, the Town will execute a grant deed conveying the portion of Town's ROW to the Strattons and reserving a temporary road ROW easement.
- Within 9 months of receiving the executed Offer of Dedication, the Town shall record a Lot Line Adjustment (LLA), to add the 0.04 acre portion of the Town ROW to the Stratton Property. Recordation of LLA will occur concurrent with recording of other offers and grants.
- Town shall realign West River Street within 3 years of LLA and file a Record of Survey after construction.

Surplus Land Act

As part of the land exchange, the Town proposes to abandon 0.04 acres of public ROW. Compliance with the Surplus Land Act, Government Code sections 54220 et seq. (the "Act") is required when a local agency disposes of land that it owns in fee simple. The Act exempts certain surplus land from its requirements, including, pursuant to Government Code section 54221 (f)(1)(C), which is defined as "Surplus land that a local agency is exchanging for another property necessary for the agency's use". The ROW property proposed to be abandoned meets this definition of "exempt surplus land".

The California Department of Housing and Community Development ("HCD") has adopted Surplus Land Act Guidelines to clarify the application of the Act. Pursuant to Government Code section 54221 (b) and section 400(e) of the Guidelines, the Town Council is required to take formal action to declare the Property exempt surplus land, including making written findings, and to provide a copy of such formal action and written findings to HCD 30 days in advance of making any disposition of the Property. Staff recommends that Council adopt Resolution 2026-23 (Attachment 2) to declare the Property exempt surplus land and to make written findings, as required by the Act.

Right-of-Way Abandonment

Pursuant to Development Code Section 18.88.030A (Minor Street Vacation), a request for the vacation of a street may be approved, with or without conditions, by the Town Council by resolution without public hearing or notice only if the conformity of the request with the General Plan has been considered and one of the following findings can be made:

1. The street has been superseded by relocation of the street and utilities; the relocation of the street would not cut off all access to a person's property which, prior to relocation, adjoined the street; and the street is not necessary for present or prospective public use;
2. The street has been impassable for vehicular traffic for a period of five consecutive years, no public money was expended for maintenance on the street during such period, there are no in-place public utility facilities that are in use or would be affected by the vacation and the street is not necessary for present or prospective public use; or
3. The excess ROW of the street is not required for street purposes, there are no in-place public utility facilities that are in use or would be affected by the vacation and the excess ROW is not necessary for present or prospective public use.

Staff recommends approval of the proposed Minor Street Vacation based on Finding No. 1 and consistency with the General Plan. The Agreement requires that West River Street be realigned to accommodate the proposed ROW abandonment and to help accommodate pedestrian and bicycle improvements.

In addition to the Development Code requirements, the California Streets and Highways Code ("SHC"), Section 8335 provides a procedure for the vacation of and abandonment of street rights-of-way. The

legislative body may vacate a street highway or public service easement by adopting a resolution of vacation. The resolution of vacation shall state all of the following.

1. That the vacation is made under Chapter 4 of the Streets and Highways Code.
2. The name or other designation of the street, highway, or public service easement and a precise description of the portion vacated. The description of the portion vacated may be by a precise map which is recorded or to which reference is made in the resolution and which is permanently maintained by the public entity.
3. The facts under which the summary vacation is made.
4. That from and after the date the resolution is recorded, the street, highway, or public service easement vacated no longer constitutes a street, highway, or public service easement.
5. If the resolution of vacation applies to a public service easement vacated by a public officer or employee delegated authority pursuant to subdivision (a), a certification that all entities having any right, title, or interest in the public service easement being vacated have been notified of this action.

Pursuant to SHC Section 8330, the legislative body of a local agency may summarily vacate a street or highway that has been superseded by relocation. A street or highway shall not be summarily vacated pursuant to this section if vacation would do either of the following:

1. Cut off all access to a person's property which, prior to relocation, adjoined the street or highway.
2. Terminate a public service easement, unless the easement satisfies the requirements of Section 8333.

Pursuant to SHC Section 8333, the legislative body of a local agency, or any public officer or employee authorized by the legislative body as provided in subdivision (a) of Section 8335, may summarily vacate a public service easement in any of the following cases:

- (a) The easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation.
- (b) The date of dedication or acquisition is less than five years, and more than one year, immediately preceding the proposed vacation, and the easement was not used continuously since that date.
- (c) The easement has been superseded by relocation, or determined to be excess by the easement holder, and there are no other public facilities located within the easement.

Staff recommends the approval of the street vacation based on SHC Section 8330 and 8333(c), subject to all public utilities with an interest in the street vacation abandoning their respective interests, authorizing the Town to do so, or having no objections to the proposed vacation.

In accordance with the requirements of the Agreement, the ROW abandonment of the 0.04 acres of ROW on West River Street is required to be approved by Town Council as the first step in the land exchange outlined above. After Town Council has adopted Resolution 2026-26 (Attachment 3) approving the abandonment of the right-of-way, the Strattons will have 30 days to execute an Offer of Dedication to Town, the Right-of-Way Quitclaim Deed, and a Right of Entry Agreement.

Staff is recommending that Town Council adopt Resolution 2026-26 thereby taking action to approve the abandonment of Town ROW as shown in Resolution 2026-26, Exhibit A.

Priority:

<input type="checkbox"/> Enhanced Communication	<input type="checkbox"/> Climate and Greenhouse Gas Reduction	<input type="checkbox"/> Housing
<input checked="" type="checkbox"/> Infrastructure Investment	<input type="checkbox"/> Emergency and Wildfire Preparedness	<input type="checkbox"/> Core Service

Fiscal Impact: No fiscal impacts beyond staff time.

Public Communication: All public utilities with an interest in the land to be abandoned will be notified of the Minor Street Vacation, which is contingent on the utilities either abandoning their respective interests, authorizing the Town to do so, or not objecting to the proposed vacations prior to the abandonment.

Attachments:

Attachment 1 Land Exchange Exhibit

Attachment 2 Resolution 2026-23 Determination of the Land Adjacent to West River Street as Exempt Surplus Land

Attachment 3 Resolution 2026-26 Approval of the Abandonment of Land Adjacent to West River Street