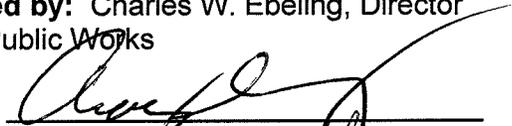


**STAFF REPORT**  
**COUNCIL MEETING DATE:**  
**December 10, 2012**

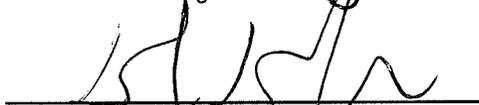
**ITEMS FOR COUNCIL CONSIDERATION:**

**Relinquishment of Excess Roadway Right-of-Way Based on  
Downtown and Beach Neighborhood Street Designs**

**Report prepared by:** Charles W. Ebeling, Director  
**Department:** Public Works

  
\_\_\_\_\_  
Signature

**Reviewed by  
City Manager:**

  
\_\_\_\_\_  
Signature

**ACTION**  **NON-ACTION**  **STAFF RECOMMENDATION:**

**Recommendation:** That the City Council adopt Resolution No. 5426 approving the relinquishment of excess property and execute quit claim deed relinquishing excess roadway right-of-way at 4726 Dorrance Way to the property owner.

**Sample Motion:** I move to adopt Resolution No. 5426, as read by title only, approving the relinquishment of excess property and execute quit claim deed relinquishing excess roadway right of way at 4726 Dorrance Way to the property owner.

**I. BACKGROUND:**

The Downtown Beach Neighborhood area has a variety of street design elements that have evolved over time due to the lack of any specific guidelines. The Downtown Beach Neighborhood (DBN) is bounded by the beach on the south, Linden Avenue and the State Beach Park on the east, the railroad tracks to the north and the Salt Marsh to the west. The City's General Plan has established standard right-of-way (ROW) cross sections defining the general ROW width and configuration for each street and highway within the City.

The character of the Downtown Beach Neighborhood is generally informal. It has two distinct areas: the northern informal area consisting primarily of single-family residences characterized by small beach bungalows with a lack of street improvements other than pavement; and the areas near the beach that are dominated by larger multi-dwelling residential buildings that are

more formal and where standard curb, gutter and sidewalk exist. During the 1990's it was determined by the City that the Downtown Beach Neighborhood informal areas, including Dorrance Way, include street designs that retain the existing informal character.

During the 2000's, the City began a process of developing the Downtown and Beach Neighborhood Street Designs. That process culminated in 2007, when a number of street designs were formulated after much input from the public, including an east-west pedestrian path along Third Street. The Department of Public Works references these designs for public improvements within the Beach Neighborhood. With the Downtown and Beach Neighborhood Street Designs, certain public rights-of-way may be considered excess and may be relinquished to the adjacent property owner.

## **II. DISCUSSION:**

A request has been received by the City to consider the relinquishment of excess right-of-way for a property located at 4726 Dorrance Way. On July 1, 1976, ten (10) feet of the private property adjacent to the then existing right-of-way for Dorrance Way was obtained by the City for street purposes. Since that time, the Downtown and Beach Neighborhood Street Designs have been formalized.

The street design and 40-foot right-of-way for Dorrance Way are shown in Attachment A of this report. At 4726 Dorrance Way, an additional 10 feet of right-of-way currently exists. Upon review by the Department of Public Works of this request, the right-of-way has been determined to be excess, based on the Dorrance Way street design. The property located at 4726 Dorrance Way has been reviewed by the City Surveyor and the legal documents relinquishing the excess right-of-way to property owner have been prepared. The Department of Public Works is recommending to the City Council that the excess property be relinquished.

## **III. POLICY:**

Generally, pursuant to Section 65402 of the California Government Code, in the case of real property acquisition or abandonment for street purposes, the Planning Agency renders its report as to conformity with the General Plan when a relinquishment is considered. However, for this relinquishment, this review is not required pursuant to Section 65402 (a)(2), (acquisitions, dispositions, or abandonment for street widening) if the City has provided by ordinance or resolution the provision of this Government Code Section. Carpinteria Municipal Code Section 16.08.080 (B)(2) provides for these provisions. In light of the City's Municipal Code and due to the fact that other development projects have occurred along Dorrance Way without the extraction of additional rights-of-way, this relinquishment was deemed to be excess.

The City's General Plan Circulation Element has objectives that were also considered by the Department of Public Works in the determination of excess right-of-way. The following objective and policy have guided the Department in this determination.

### **Circulation Element – Objectives**

**C3:** Provide a balanced transportation network with consistent designations and standards for roadways that will provide for the safe and efficient movement of goods and people through the community.

**Circulation Element – Policy**

**C-3b:** Apply the street improvement and right-of-way standards establish herein to new street development in the city.

**III. FINANCIAL CONSIDERATIONS:**

There is no substantial cost to the City due to the relinquishment of the excess roadway right-of-way.

**IV. ATTACHMENTS:**

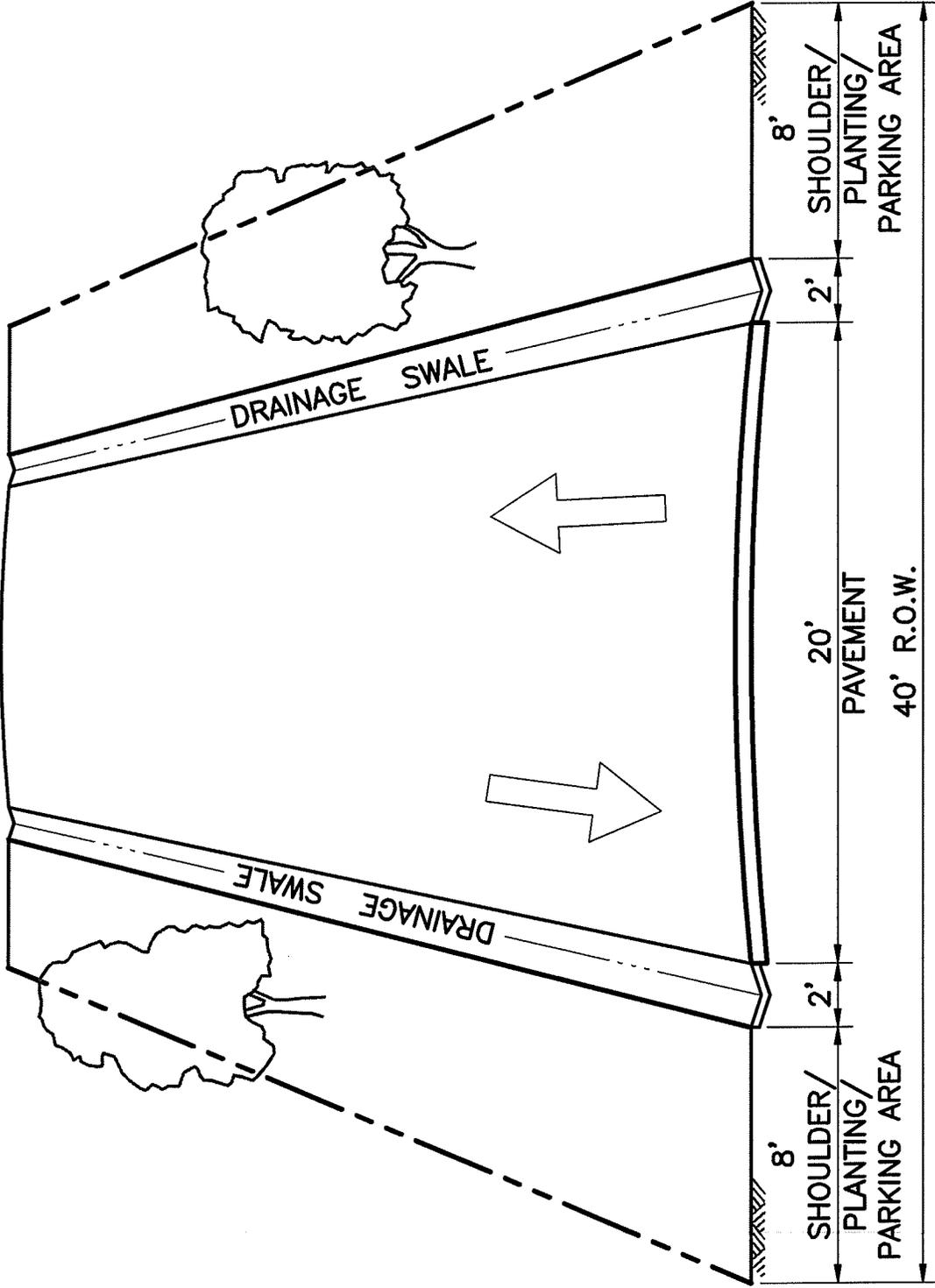
Attachment A – Dorrance Way Street Design

Attachment B – Resolution No. 5426

Attachment C – Quit Claim Deed for 4726 Dorrance Way

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**ATTACHMENT A**



**DORRANCE WAY  
FOURTH STREET**

**DOWNTOWN & BEACH  
NEIGHBORHOOD STREET  
DESIGN GUIDELINES  
CITY OF CARPINTERIA**

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**ATTACHMENT B**

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**RESOLUTION NO. 5426**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA  
APPROVING THE RELINQUISHMENT OF EXCESS ROADWAY RIGHT OF WAY AT  
4726 DORRANCE WAY TO PROPERTY OWNER**

**WHEREAS**, On or about July 1, 1976 a ten-foot widening strip of land was granted in fee for roadway purposes (per deed filed in Book 2620, Page 2496 O.R.) to the City of Carpinteria (City) by a previous owner of the property known as 4726 Dorrance Way, Carpinteria, CA, also known as APN 003-435-011, as a condition of issuing a development permit and at that time pursuant to the General Plan to ultimately widen Dorrance Way; and

**WHEREAS**, the City General Plan has changed and no longer anticipates the widening of Dorrance Way; and

**WHEREAS**, the current owner, Ms. Betty Reeves, has requested that the strip of land be returned to her ownership; and

**WHEREAS**, in accordance with Section 8333 (a) of the California Streets and Highways Code, the portion of road right of way has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation and are therefore eligible for summary vacation; and

**WHEREAS**, in accordance with Section 8334 (a) of the California Streets and Highways Code, the City Public Works Department has determined that this portion of road right of way is excess right of way not required for street or highway purposes and is therefore eligible for summary vacation; and

**WHEREAS**, pursuant to Section 8334.5 of the California Streets and Highways Code, there are no in-place public utility facilities that are in use and would be affected by this summary vacation; and

**WHEREAS**, in order to protect, preserve and promote the health, safety, and welfare of the community, it is in the City's best interest to vacate this portion of road right of way; and

**WHEREAS**, the City Council considered this matter at a duly noticed public hearing and accepted public comment on this matter.

**NOW THEREFORE, THE CITY COUNCIL HEREBY RESOLVES AS FOLLOWS:**

1. The above recitals are true and correct.

2. That portion of Dorrance Way being vacated is particularly described on Exhibit A and depicted on Exhibit B, attached hereto.
3. The City Council directs the Mayor to execute this Resolution.
4. The City Council directs the City Clerk to attest to this Resolution and to record a copy of this Resolution in the Office of the Santa Barbara County Recorder.
5. The City Council directs the Mayor to execute the quitclaim deed, conveying all of the City's right, title and interest to the strip of land to Betty Joan Reeves, Trustee of the Betty Joan Reeves Rev Tr (11-18-99).
6. The City Council directs the City Clerk to record in the Office of the Santa Barbara County Recorder the Quitclaim Deed hereinabove referenced, following the recordation of this Resolution.
7. From and after the date of recordation of this Resolution, the vacated portion no longer constitutes a street or public right of way.

**PASSED, APPROVED AND ADOPTED** this \_\_\_ day of \_\_\_\_\_ 201\_\_\_, by the following called vote:

AYES:            COUNCILMEMBER:

NOES:            COUNCILMEMBER:

ABSENT:        COUNCILMEMBER:

\_\_\_\_\_  
Mayor, City of Carpinteria

ATTEST:

\_\_\_\_\_  
City Clerk, City of Carpinteria

***I hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of Carpinteria held the \_\_\_ day of \_\_\_\_\_ 201\_\_.***

\_\_\_\_\_  
City Clerk, City of Carpinteria

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

**ATTACHMENT C**

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**RECORDING REQUESTED BY:**

The City of Carpinteria

**When Recorded Mail Document  
and Tax Statement To:**

Betty Joan Reeves  
114 S POLI ST  
OJAI, CA 93023

APN: 003-435-011

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Documentary transfer tax is \$ \_\_\_\_\_ City Tax is \$ \_\_\_\_\_

computed on full value of property conveyed, or

computed on full value less value of liens or encumbrances remaining at time of sale.

Unincorporated area

City of Carpinteria

\_\_\_\_\_  
Signature of Declarant or Agent Determining Tax--Firm Name

**QUITCLAIM DEED**

**The City of Carpinteria, a California Municipal Corporation,**

hereby remises, releases and forever quitclaims to

**BETTY JOAN REEVES, TRUSTEE OF THE BETTY JOAN REEVES REV TR (11-18-99)**

the following described real property in the City of Carpinteria , County of **Santa Barbara**, State of **California**:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

City of Carpinteria

Dated \_\_\_\_\_

By: \_\_\_\_\_

Al Clark, Mayor

**NOTARY**

STATE OF \_\_\_\_\_ )  
 )ss

COUNTY OF \_\_\_\_\_)

On this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, before me, \_\_\_\_\_, a Notary Public,  
personally appeared \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument, the person(s), or the entity on behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

Witness my hand and official seal.

Signature \_\_\_\_\_

Printed \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

Commission Number: \_\_\_\_\_

Principal office located in County of: \_\_\_\_\_

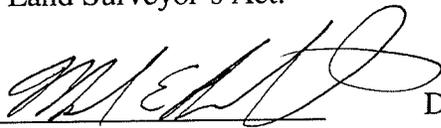
**EXHIBIT "A"**

That certain 10 foot wide strip of land as conveyed to the City of Carpinteria from Boss Wisner and Zelma M. Wisner on July 1, 1976 and recorded July 21, 1976 as Instrument No. 30642 in Book 2620, Page 2496 of Official Records in the office of the County Recorder, County of Santa Barbara, State of California, described as follows:

The southwesterly ten (10) feet of the following described property:

The southeasterly one-half of Lots 10, 11 and 12 in Block "D" of the J.W. Dorrance Resubdivision of Blocks 31, 40, 45, 56 and portions of Blocks 46 and 55 in Town of Carpinteria, in Santa Barbara County, California, according to the map thereof, recorded in Book 9, Page 95 of Maps, in the office of the County Recorder of said County.

This real property description was prepared by me, or under my direction, in conformance with the Professional Land Surveyor's Act.

Signature:  Date: June 8, 2012  
Mark E. Reinhardt, PLS

