

Agenda Item No. R-1

DATE SUBMITTED 12/29/2020  
SUBMITTED BY COMMUNITY DEVELOPMENT DIRECTOR  
DATE ACTION REQUIRED 1/6/2021

COUNCIL ACTION  
PUBLIC HEARING REQUIRED RESOLUTION (X) SS  
ORDINANCE 1<sup>ST</sup> READING ( )  
ORDINANCE 2<sup>ND</sup> READING ( )  
CITY CLERK'S INITIALS SS

**IMPERIAL CITY COUNCIL  
AGENDA ITEM**

SUBJECT: DISCUSSION/ACTION: ABANDONMENT OF RIGHT-OF-WAY OF 13<sup>TH</sup> & 14<sup>TH</sup> STREET.  
1. Catalyst Development is requesting the Roadway Easement Abandonment of 13<sup>th</sup> and 14<sup>th</sup> Street at the far West End of the Roads (See Staff Report Attachments).  
DEPARTMENT INVOLVED: COMMUNITY DEVELOPMENT

BACKGROUND/SUMMARY:  
Catalyst Development is requesting the Roadway Easement abandonment of 13<sup>th</sup> and 14<sup>th</sup> Street at the far west end of the roads (see attachments). Catalyst Development is planning to construct a 2 phase Apartment Project. The project site was previously rezoned during 2019 for a proposed Residential Apartment Project. The proposed housing project will serve the residents of the City of Imperial with opportunities for affordable housing and will bring the City closer to meeting the housing needs identified within our City's Housing Element "Regional Housing Needs Allocation" numbers.  
The abandonment is tied to major offsite infrastructure improvements which are intended to recover the deteriorating/ nonexistent infrastructure within the surrounding area. Some of the proposed improvements tied to the apartment project range from storm drain improvements, alley way improvements, curb gutter installation, sidewalk improvements, and the extension of 15<sup>th</sup> Street to La Brucherie Road, which is anticipated to improve traffic flow with the future Multifamily Housing Project. The abandonment is tied to ZC/GPA (19\_02) that was approved by City Council during December 2019.  
The Planning Commission recommended the item for approval to the City Council on October 28, 2020. The proposed abandonment was taken to City Council on November 18, 2020, in which a resolution of the intention to a vacate a public right-of-way was adopted. A Public Hearing was conducted during the meeting and no comments from the public were received. The item was taken to City Council on December 16, 2020. A Public Hearing was conducted during the meeting, to which, no comments were received from the public. During the 12/16/2020 meeting, the applicant requested to continue the item via email. The statement was read to the Council on behalf of the applicant. Council voted to continue the item to the January 6<sup>th</sup>, 2021 meeting.

FISCAL IMPACT: N/A  
ADMIN SERVICES SIGN INITIALS \_\_\_\_\_

STAFF RECOMMENDATION: Staff recommends approval of the right-of-way abandonment of 13<sup>th</sup> & 14<sup>th</sup> Streets.  
DEPT. INITIALS DM

MANAGER'S RECOMMENDATION: approve  
CITY MANAGER'S INITIALS DM

MOTION:

SECONDED:

AYES:

NAYES:

APPROVED ( )

DISAPPROVE ( )

REJECTED ( )

DEFERRED ( )



## Staff Report

**To:** City of Imperial City Council  
**From:** Lisa Tylenda, Planner  
**Date:** December 29, 2020  
**Subject:** Proposed Right-of-Way Abandonment for 13<sup>th</sup> and 14<sup>th</sup> Streets.

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### **Background:**

Catalyst Development is requesting the Roadway Easement abandonment of 13<sup>th</sup> and 14<sup>th</sup> Street at the far west end of the roads (see attachments). Catalyst Development is planning to construct a 2 phase Apartment Project. The project site was previously rezoned during 2019 for a proposed Residential Apartment Project. The proposed housing project will serve the residents of the City of Imperial with opportunities for affordable housing and will bring the City closer to meeting the housing needs identified within our City's Housing Element "Regional Housing Needs Allocation" numbers.

The abandonment is tied to major offsite infrastructure improvements which are intended to recover the deteriorating/ nonexistent infrastructure within the surrounding area. Some of the proposed improvements tied to the apartment project range from storm drain improvements, alley way improvements, curb gutter installation, sidewalk improvements, and the extension of 15<sup>th</sup> Street to La Brucherie Road, which is anticipated to improve traffic flow with the future Multifamily Housing Project. The abandonment is tied to ZC/GPA (19\_02) that was approved by City Council during December 2019.

- The Planning Commission recommended the item for approval to the City Council on October 28, 2020.
- The proposed abandonment was taken to City Council on November 18, 2020, in which a Public Hearing was conducted and no comments from the public were received.
- The item was taken to City Council on December 16, 2020. A Public Hearing was conducted during the meeting, to which, no comments were received from the public.
- During the 12/16/2020 meeting, the applicant requested to continue the item via email. The statement was read to the Council on behalf of the applicant. Council voted to continue the item to the January 6th, 2021 meeting.
- The Planning Commission reviewed the proposed abandonment on October 28, 2020 and recommended the item to the City Council for review and approval.

Per the Developer the following statement was provided via email:

*"The Abandonment of the roadway easement is necessary as there is no plan for extension of roadways currently or in the future and would be detrimental to have vacant undeveloped land."*

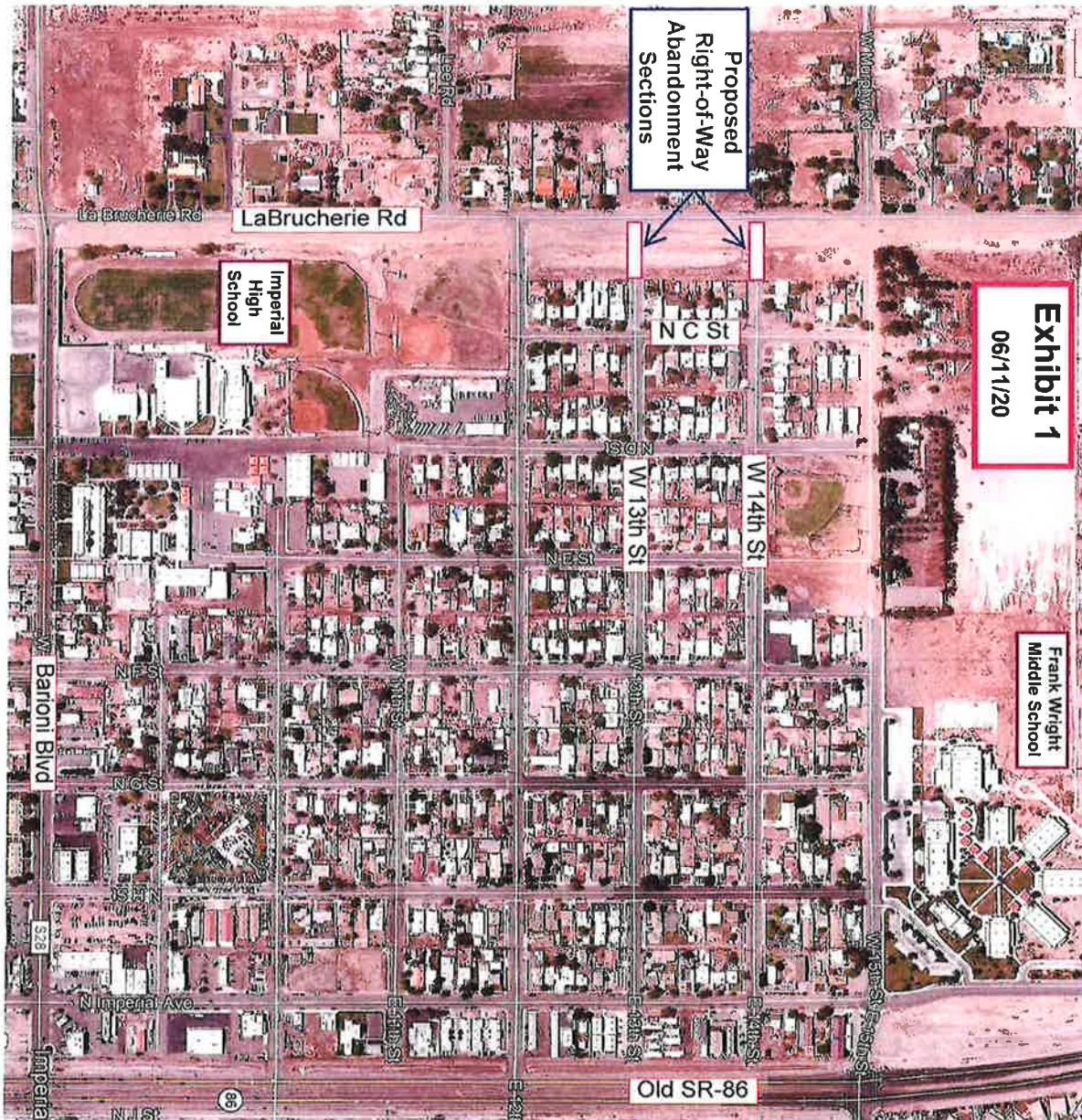


Also, by abandoning these roadways it will help traffic flow by focusing the traffic on 12th and 15th which are major traffic roadways.”

**Analysis:**

Development Review Committee and Engineering Staff/Consultants reviewed the proposed abandonment and recommend approval of the Right-of-Way Abandonment with the condition that the easement be tied to the conditions of approval from ZC/GPA (19\_02).

**Location Map:**



**RESOLUTION NO. 0000**

**RESOLUTION OF CITY COUNCIL OF THE CITY OF IMPERIAL VACATING A  
PORTION OF 13<sup>TH</sup> AND 14<sup>TH</sup> STREET  
PUBLIC RIGHT-OF-WAY**

**WHEREAS**, an owner of property adjoining a city street has requested the City to vacate a portion thereof and has further agreed to pay costs associated therewith; and

**WHEREAS**, a duly noticed public hearing was held by the City Council on November 18<sup>th</sup>, 2020 and December 16<sup>th</sup>, 2020; and

**WHEREAS**, the City Council considered all maps, exhibits, and written documents presented for this project, and has considered the oral presentations given at the Public Hearing; and

**WHEREAS**, upon hearing and considering all the testimony and arguments, analyzing the information submitted by staff and considering any written comments received, the City Council considered all facts related to the proposed abandonment.

**NOW, THEREFORE BE IT RESOLVED**, that the City Council of the City of Imperial finds as follows:

- A. That the foregoing recitations are true and correct; and
- B. That the project has been reviewed in accordance with the requirements set forth by the City of Imperial's standards for the implementation of the California Environmental Quality Act; and
- C. A Public Hearing was held at the City Council Chambers, 200 West 9<sup>th</sup> Street, Imperial Avenue, Imperial, CA on November 18, 2020 and December 16, 2020 at 7:00 p.m.
- D. This Abandonment was published in accordance with Streets and Highways Code Section 8322 and notice shall be given in accordance with Streets and Highways Code Section 8323.
- E. The abandonment of said streets will not interfere with the local circulation or the Circulation Element.
- F. The project is exempt from further review under the California Environmental Quality Act, Section 2100 through 21176 of the Public Resources Code.
- G. That based on the evidence presented at the public hearing, the City Council hereby approves the abandonment of 13<sup>th</sup> and 14<sup>th</sup> Street running East and West between La Brucherie and "C" Street, described herein:

1. *A PORTION OF FOURTEENTH STREET OF DEDICATION OF PARK ADDITION TO THE TOWN OF IMPERIAL MAP, IN THE COUNTY OF IMPERIAL, STATE OF CALIFORNIA, ACCORDING TO MAP NO. 18, ON FILE IN BOOK 1, PAGE 16 OF OFFICIAL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:*

*BEGINNING AT THE NORTHWEST CORNER OF LOT 1 OF BLOCK 4 OF SAID MAP 18; THENCE NORTH 80 FEET TO THE SOUTHWEST CORNER OF LOT 6 OF BLOCK 3 OF SAID MAP 18; THENCE EAST ALONG THE SOUTH LINE OF SAID LOT 6, 150 FEET TO THE SOUTHEAST CORNER OF SAID LOT 6; THENCE SOUTH 80 FEET TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE WEST, ALONG THE NORTH LINE OF SAID LOT 1, 150 FEET TO THE POINT OF BEGINNING.*

*THE ABOVE LAND DESCRIBED AREA CONTAINS 12,000 SQ. FT. (0.28 ACRES MORE OR LESS).*

*SHOWN ON EXHIBIT "C" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.*

**AND;**

2. *A PORTION OF THIRTEENTH STREET OF DEDICATION OF PARK ADDITION TO THE TOWN OF IMPERIAL MAP, IN THE COUNTY OF IMPERIAL, STATE OF CALIFORNIA, ACCORDING TO MAP NO. 18, ON FILE IN BOOK 1, PAGE 16 OF OFFICIAL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:*

*BEGINNING AT THE NORTHWEST CORNER OF LOT 1 OF BLOCK 9 OF SAID MAP 18; THENCE NORTH 80 FEET TO THE SOUTHWEST CORNER OF LOT 6 OF BLOCK 4 OF SAID MAP 18; THENCE EAST ALONG THE SOUTH LINE OF SAID LOT 6 150 FEET TO THE SOUTHEAST CORNER OF SAID LOT 6; THENCE SOUTH 80 FEET TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE WEST, ALONG THE NORTH LINE OF SAID LOT 1, 150 FEET TO THE POINT OF BEGINNING.*

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- H. The abandonment of 13<sup>th</sup> and 14<sup>th</sup> streets are consistent with the goals, objectives, and policies of the City of Imperial's General Plan.

**PASSED, APPROVED AND ADOPTED** this 6<sup>th</sup> day of January 2021.

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Karin Eugenio, Mayor

ATTEST:

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City Clerk

**EXHIBIT "A"**  
**RIGHT OF WAY ABANDONMENT**  
**LEGAL DESCRIPTION**

A PORTION OF FOURTEENTH STREET OF DEDICATION OF PARK ADDITION TO THE TOWN OF IMPERIAL MAP, IN THE COUNTY OF IMPERIAL, STATE OF CALIFORNIA, ACCORDING TO MAP NO. 18, ON FILE IN BOOK 1, PAGE 16 OF OFFICIAL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

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THENCE SOUTH 80 FEET TO THE NORTHEAST CORNER OF SAID LOT 1;  
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**EXHIBIT "B"**  
**RIGHT OF WAY ABANDONMENT**  
**LEGAL DESCRIPTION**

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THENCE SOUTH 80 FEET TO THE NORTHEAST CORNER OF SAID LOT 1;  
THENCE WEST, ALONG THE NORTH LINE OF SAID LOT 1, 150 FEET TO THE POINT OF BEGINNING.

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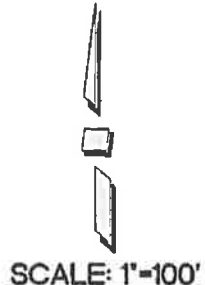
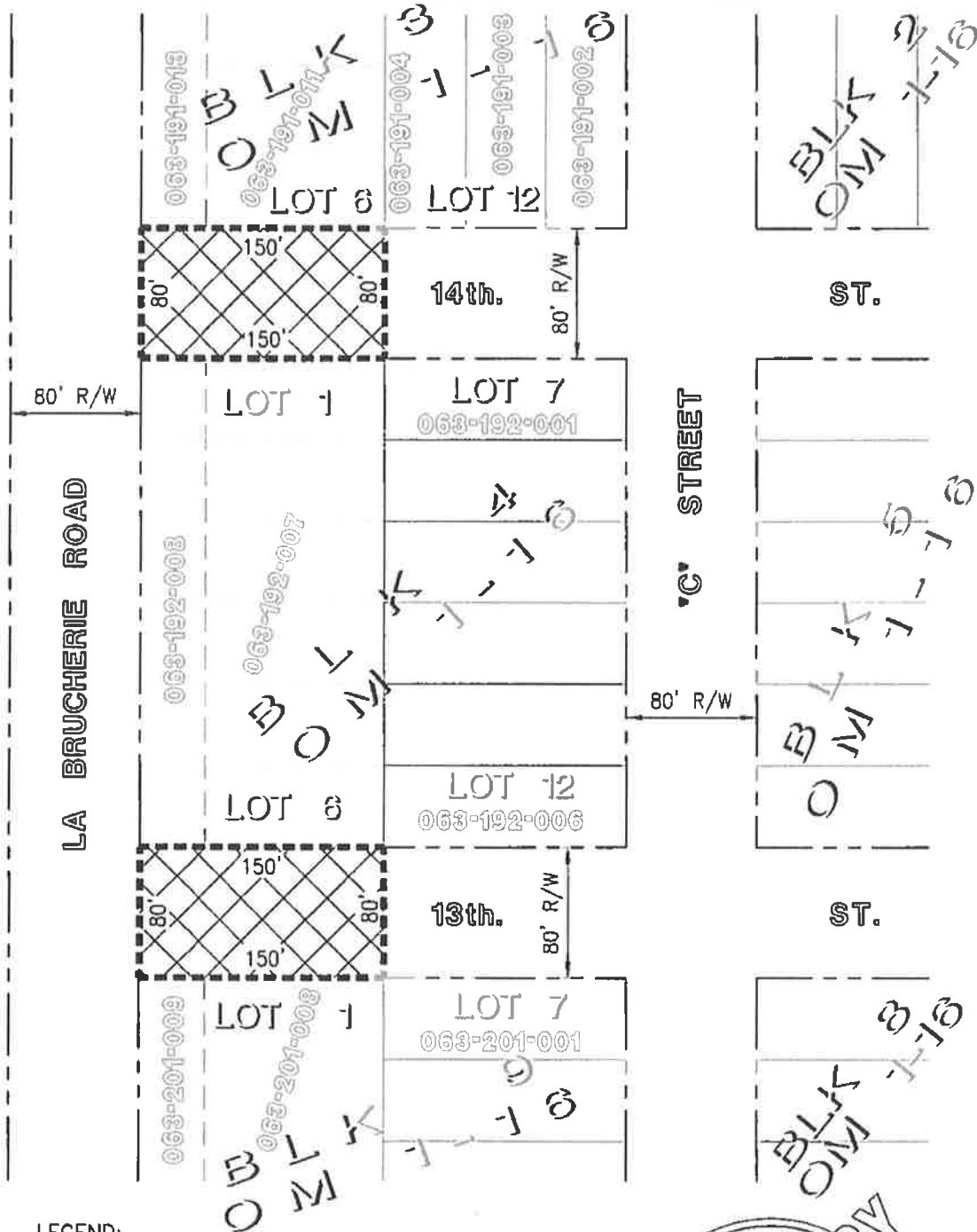
SHOWN ON EXHIBIT "C" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.



# EXHIBIT "C"

## RIGHT OF WAY ABANDONMENT PLAT

SHEET 1 OF 1



**LEGEND:**

- AREA TO BE ABANDONED
- RIGHT OF WAY WIDTH PER MAP NO.18, ON FILE IN THE OFFICE OF COUNTY RECORDER OF IMPERIAL COUNTY (OM 1-16)
- RIGHT OF WAY LINE

