



REPORT TO CITY COUNCIL

To: Honorable Mayor and Members of the City Council

From: Grant Yates, City Manager

Date: October 9, 2018

Subject: Vacation of a Portion of Acacia Drive

Recommendation

adopt City Council Resolution No. 2018-____ A Resolution of the City Council of the City of Lake Elsinore, California, Vacating a Portion of Acacia Drive

Background

Acacia Drive is what is known as a “paper street.” A paper street is a road or street that appears only on final maps and has been offered for dedication as a public right of way, but has never actually been used or improved for street purposes.

Acacia Drive runs parallel and very close to the north shore of Lake Elsinore. A review of applicable public records shows Acacia Drive as being dedicated in 1914. Despite this, a 1962 survey of the Lake’s boundaries shows Acacia Drive as “abandoned.” Indeed, in 1925, a part of Acacia was still in the County of Riverside when the County did take formal action to vacate the northern length of Acacia past Matich Street (and which may explain the surveyor’s conclusion of “abandonment” in 1962).

Several property owners along Acacia Drive have appeared before the City Council to urge vacation of a portion of this street. Additionally, one property owner has filed an action against the City seeking a court determination that the public right of way constituting Acacia Drive has been abandoned by the City. (*Dobihal v. City of Lake Elsinore*, Riverside Superior Court Case No. RIC1722955.)

Staff has determined that portions of Acacia Drive north of Davis Street and between Davis and Silver Streets (“vacation segments”) have not been used for travel, no public money has been spent, and the vacation segments are not required for any street or highway purpose. Additionally, the attorney for the property owner in the Dobihal case had agreed to dismiss the pending case following the completion of the vacation process. A settlement agreement has been circulated and should be completed shortly.

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Analysis

Prior to City Council action to vacate a public right-of-way, the Planning Commission must first determine if the vacation is in conformity with the adopted General Plan (Government Code Section 65402). The General Plan does not designate the portion of Acacia Drive under consideration as a roadway, and it has never been used as a roadway. On August 21, 2018, the Planning Commission adopted Resolution No. 2018-65 finding that the vacation would be in conformity with the City's General Plan.

Recommendation

Staff therefore recommends adoption of the Resolution of the City Council of the City of Lake Elsinore, California, Vacating a Portion of Acacia Drive. As provided in the resolution, the vacation is contingent upon the finalization of a settlement agreement in the above-referenced lawsuit.

Attachments:

1. City Council Resolution No. 2018-____
2. Vicinity map showing vacated area