



Staff Report

TO: City Council
FROM: Robert Vestal, Public Works Director
DATE: February 6, 2024
SUBJECT: Intent to Vacate Desert Lawn Drive, South of Oak Valley Parkway

Description A Resolution of the City of Beaumont declaring its intention to vacate Desert Lawn Drive, south of Oak Valley Parkway.

Background and Analysis:

On July 14, 2021, Planning Commission approved Plot Plan 2018-0119 Beaumont Landing (Project) to construct and operate a gas station with nine (9) fuel pumps (18 fueling positions), a 6,700 square foot canopy, 3,800 square foot convenience store with an off-sale general license (Type 20) for the sale of beer and wine, and an attached 1,500 square foot car wash and a stand-alone 4,000 square foot drive-thru restaurant on a proposed 3.03-acre acre site located on the north side of Desert Lawn Drive, east of Oak Valley Parkway and west side of the I-10 Freeway.

The Project proposes to realign a portion of Desert Lawn Drive within the project limits to increase the buildable area for the Project. Desert Lawn Drive is classified as a local street and only serves the Project and an existing storage facility further south. The Project applicant has been in communication with the storage facility owner about the realignment. The conditions of approval for the Project require the Project to provide access to the storage facility during construction.

The realignment of Desert Lawn requires two actions to complete: dedication of right-of-way and subsequently vacating the previous alignment. In order for the realignment to be completed both actions need to be approved and recorded in sequence.

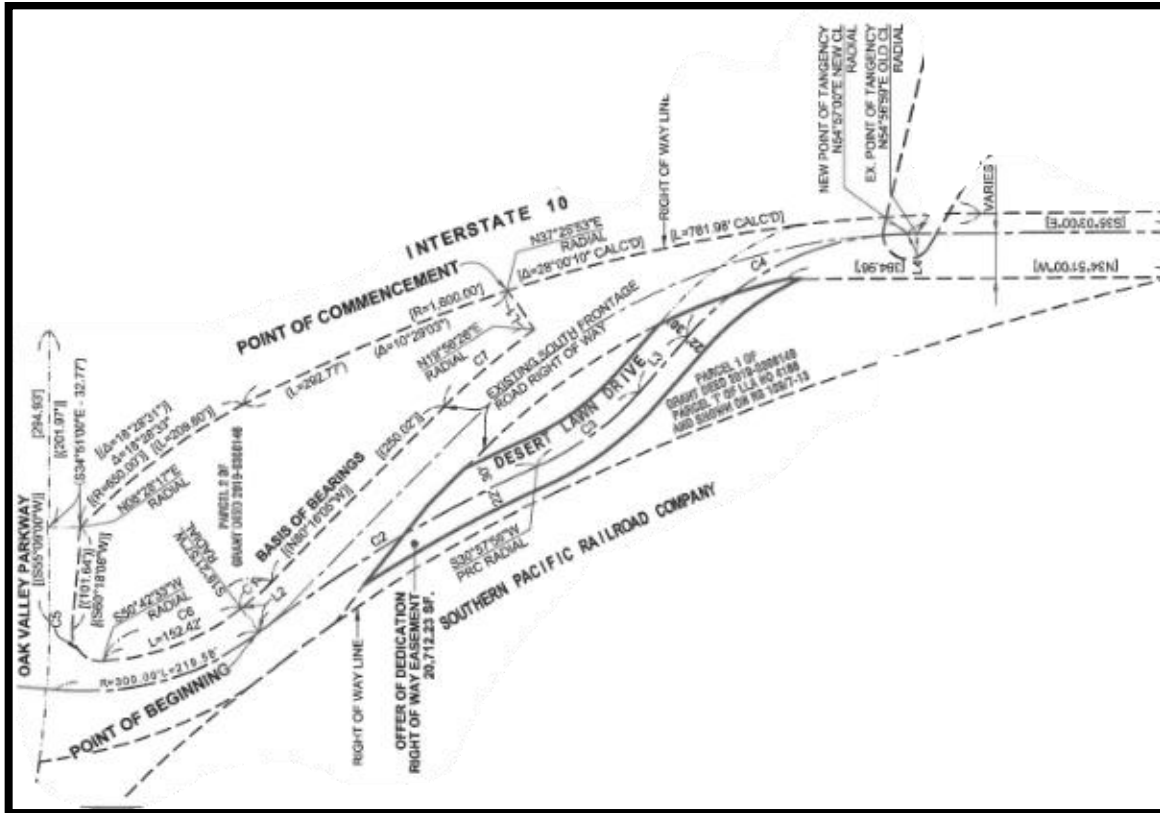


Figure 1- Desert Lawn Offer of Dedication

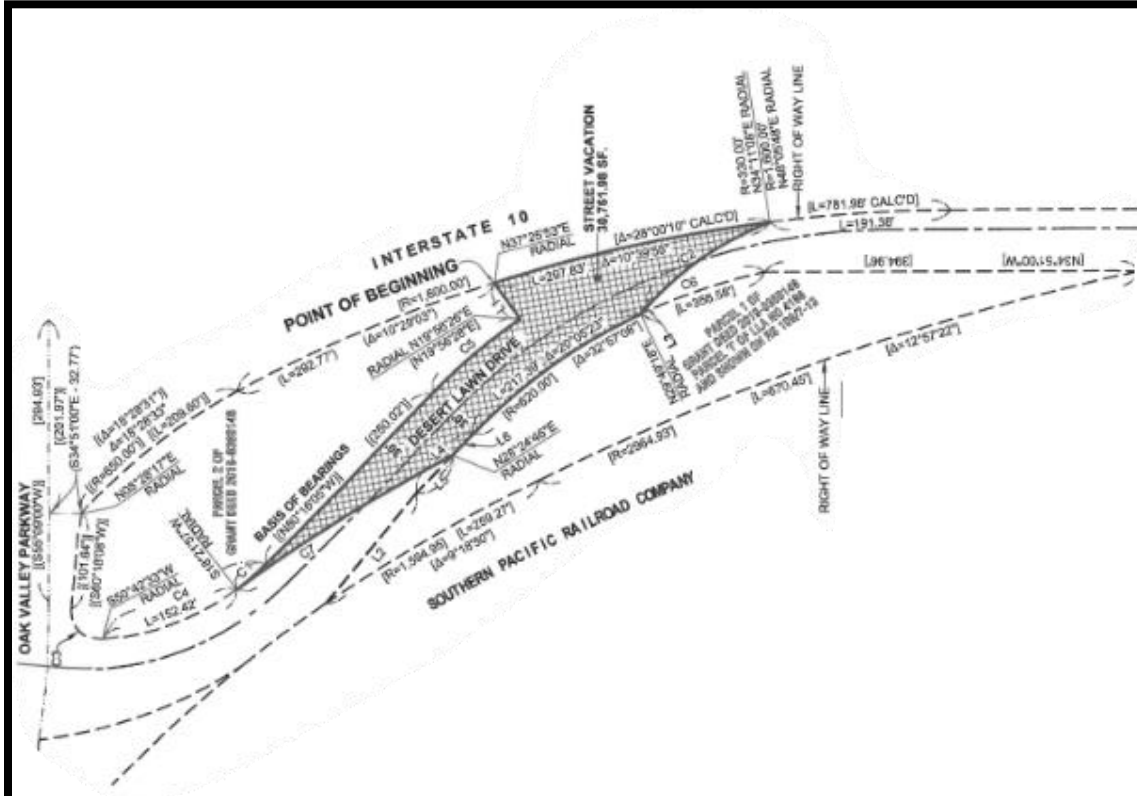


Figure 2- Desert Lawn Portion to Vacate

Vacation of Desert Lawn Drive

Before the City Council approves the vacation of Desert Lawn Drive, 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 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. Prior to the public hearing 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. 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. 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 March 5, 2024, 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.

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 Desert Lawn Drive, south of Oak Valley Parkway for the date of the public hearing scheduled on March 5, 2024, under the SHC.

Fiscal Impact:

The cost to prepare this staff report is estimated to be \$1,500. There is no fiscal impact associated with the recommended action.

Recommended Action:

Waive the full reading and adopt by title only, “A Resolution of The City of Beaumont Declaring its Intention to Vacate Desert Lawn Drive, South of Oak Valley Parkway”.

Attachments:

- A. Notice of Vacation Resolution
- B. Vacation Plat and Legal
- C. Draft Desert Lawn Drive Vacation Resolution
- D. SHC General Vacation references