

CITY OF GARDEN GROVE

INTER-DEPARTMENT MEMORANDUM

To:	Matthew J. Fertal	From:	William E. Murray	
Dept:	City Manager	Dept:	Public Works	
Subject:	ADOPTION OF A RESOLUTION DECLARING THAT PROVISIONS OF THE GOVERNMENT CODE SECTION 65402(a) SHALL NOT APPLY TO MINOR STREET- RELATED ACQUISITIONS, DISPOSITIONS, ABANDONMENTS, AND ALIGNMENTS		Date:	May 27, 2014

OBJECTIVE

It is requested that the City Council adopt a resolution approving the adoption of Government Code Section 65402(a) exempting minor street-related real property acquisitions, dispositions, vacations or abandonments from Planning Commission General Plan conformity review.

BACKGROUND/DISCUSSION

Government Code Section 65402 provides that no real property shall be acquired by dedication or otherwise for street, square, park, or other public purposes, and no real property shall be disposed of, no street shall be vacated or abandoned, until the location, purposes and extent of said actions have been submitted to and reported upon by the Planning Commission as to the conformity with the General Plan.

Government Code Section 65402(a) allows the City Council to exempt, by resolution, the following from Planning Commission conformity findings:

1. The disposition of the remainder of a larger parcel which was acquired and used in part for street purposes;
2. The acquisition or disposition of real property, or street vacations for street widening projects;
3. The acquisition or disposition of real property, or street vacations for alignment projects.

Government Code Section 65402(a) indicates that the aforementioned acquisitions, dispositions, and street vacations must be of a minor nature.

The proposed resolution would exempt minor street-related acquisitions, dispositions, and vacations of real property by the City from the requirement for Planning Commission review and determination of General Plan conformity. Approval of the proposed resolution will help streamline the process and reduce

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staff time for minor projects such as right-of-way acquisitions, dispositions, street vacations and alignment projects.

FINANCIAL IMPACT

There is no financial impact to the General Fund as a result of the adoption of this resolution.

RECOMMENDATION

It is recommended that City Council:

- Adopt the attached resolution exempting minor street-related property acquisitions, dispositions, abandonments, and alignment projects from the requirement of Planning Commission review and determination of General Plan conformity pursuant to California Government Code Section 65402(a).

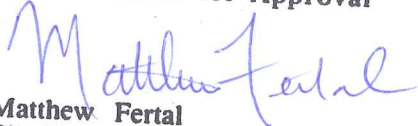


WILLIAM E. MURRAY
Public Works Director

By: Carlos Marquez
Senior Real Property Agent

Attachment: Resolution

Recommended for Approval


Matthew Fertal
City Manager

GARDEN GROVE CITY COUNCIL

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE
DECLARING THAT PROVISIONS OF CALIFORNIA GOVERNMENT CODE SECTION
65402 SHALL NOT APPLY TO MINOR STREET RELATED ACQUISITIONS,
DISPOSITIONS, ABANDONMENTS AND ALIGNMENTS

WHEREAS, Government Code Section 65402 provides that no real property shall be acquired by dedication or otherwise for street, square, park, or other public purposes, and no real property shall be disposed of, no street shall be vacated or abandoned, and no public building or structure shall be constructed or authorized, until the location, purposes and extent of such acquisition or disposition, such street vacation or abandonment, or such public building or structure have been submitted to and reported upon by the Planning Commission as to the conformity with the General Plan;

WHEREAS, Government Code Section 65402(a) allows the City Council to exempt, by resolution, the following types of minor street-related real property acquisitions, dispositions, vacations and/or abandonments from the Planning Commission conformity determination requirement: (1) the disposition of the remainder of a larger parcel which was acquired and used in part for street purposes, provided it is of a minor nature; (2) acquisitions, dispositions, or abandonments of a minor nature for street widening; or (3) alignment projects of a minor nature; and

WHEREAS, the City Council finds and determines that General Plan conformity review by the Planning Commission may impede the efficient preparation and implementation of public projects related to street improvements.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDEN GROVE DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Submission to and reporting by the Planning Commission regarding conformity with the City of Garden Grove General Plan is not required for the following street-related real property acquisitions, dispositions, vacations and/or abandonments:

1. The disposition of the remainder of a larger parcel which was acquired and used in part for street purposes, provided it is of a minor nature;
2. Acquisitions, dispositions, vacations or abandonments of a minor nature for street widening; or
3. Alignment projects of a minor nature.

SECTION 2. The City Manager shall determine whether the street-related real property acquisition, disposition, vacation and/or abandonment is "of a minor nature" pursuant to this Resolution.

SECTION 3. The City Council hereby finds that the adoption of this Resolution is exempt from the California Environmental Quality Act ("CEQA") pursuant to 14 California Code of Regulations Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

SECTION 4. This Resolution shall take effect immediately.