



AGENDA REPORT

Department: Engineering and Public Works
Prepared by: Luca Zappiello, Associate Engineer - Civil
Meeting Date: Tuesday, November 19, 2024
Approved by: Benjamin A. Martinez, City Manager

SUBJECT:

Acceptance of an Easement for Channel Construction and Maintenance Along the North Side of Paradise Creek, Located North of Paradise Valley Road and East of Plaza Blvd

RECOMMENDATION:

Adopt a Resolution Entitled, "Resolution of the City Council of the City of National City, California, Accepting and Authorizing the Mayor to Sign a Grant of Easement from the Santos Family Trust 08-11-03 for an Area Along the North Side of Paradise Creek, Located North of Paradise Valley Road and East of Plaza Blvd, for Channel Construction and Maintenance."

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

Not Applicable.

EXPLANATION:

The Paradise Creek Water Quality and Community Enhancement Project Phase II (CIP 19-11) (Project) is a grant-funded project currently under construction. The City Council awarded the contract under Resolution No. 2023-101 on August 1, 2023, and the project is expected to be completed by early 2025. The Project's primary purpose is to improve the creek's drainage by upsizing the culvert and widening the creek to better manage a 100-year storm event. Additionally, the project includes installation of concrete driveways, an access road for channel maintenance, and the replacement of pedestrian curb ramps for ADA compliance.

Early in the construction phase, staff discovered that there is a right-of-way constraint along the north side of the channel in the eastern-most Project area, parallel to Paradise Valley Road. The existing easement that runs along the bottom of the creek in this area does not include the northern bank, which restricts the City from constructing the proposed Project improvements (see Exhibit B). This means that widening the channel would encroach upon adjacent private property.

To avoid impacting private property, staff evaluated alternative construction options such as Enviro Blocks, retaining walls, articulated concrete blocks, and shotcrete. Ultimately, staff determined that these options were either cost-prohibitive or less effective at managing storm flows, given the right of way constraints, than the proposed Project improvements. Therefore, staff contacted the Santos family to request an easement. The purpose of the easement would be to widen the creek, grade the channel walls to an optimal slope, and create an access road for Public Works crews to maintain the channel.

The City currently has an undeveloped right-of-way located north of Paradise Valley Road, adjacent to the northern parcel boundary of the Santos property (see Exhibit A). The area is considered a "paper street" recorded as Paradise Avenue, which runs between the undeveloped Santos property to the south and three residential properties to the north.

Vacating the southern half of Paradise Avenue (30 feet wide) to the Santos family would provide a nearly equivalent “land swap” in exchange for the easement needed along the northern bank of the channel.

After several months of coordination with the Santos family, they have agreed to grant an easement to the City. The Grant of Easement contains a graphical depiction and legal description of the area (see Exhibit C). The Easement will be granted in perpetuity and at no cost to the City. The City agrees to undertake all repairs and maintenance of the area contained within this easement.

Concurrently, the Engineering & Public Works Department worked in coordination with Community Development staff to request the vacation of Paradise Avenue. The right-of-way proposed to be vacated is 60 feet wide. If vacated, half of the right-of-way (30 feet) will go to the properties on each side. Community Development staff presented this request to the City Council on May 7, 2024, where City Council approved the initial request. The Planning Commission subsequently approved the street vacation request on May 20, 2024. During the City Council meeting scheduled for November 19, 2024, Community Development will present the final resolution to summarily vacate the street.

FINANCIAL STATEMENT:

The Easement will be granted at no cost to the City.

RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:

Not Applicable

ENVIRONMENTAL REVIEW:

This is not a project under CEQA and is therefore not subject to environmental review. CCR15378; PRC 21065.

PUBLIC NOTIFICATION:

The Agenda Report was posted within 72 hours of the meeting date and time in accordance with the Ralph M. Brown Act.

ORDINANCE:

Not Applicable

EXHIBITS:

- Exhibit A – Location Map
- Exhibit B – Proposed Easement and Street Vacation
- Exhibit C – Grant of Easement
- Exhibit D – Resolution