

From: [Jacob Patterson](#)
To: [City Clerk](#)
Subject: Public Comment -- 10/10/23 CC Mtg., Item No. 5D -- Vacation of Right-of-Way
Date: Thursday, October 05, 2023 3:42:13 PM

City Council,

I object to this consent calendar item for several reasons and encourage you to pull it from the consent calendar for explanation and recommend denial if you take any action on it at all. First, the City is attempting to use summary vacation for this right-of-way rather than the full process outlined for vacating public property that involves notice and public hearings as well as a Planning Commission review of its consistency with the general plan. I understand why that is since the other process is more onerous and this superficially appears to meet the criteria for summary vacation because it has not been developed as an actual road and the City hasn't spent any money improving it (the statutory requirements for the short-form summary vacation process). However, that process cannot be used when the right-of-way has already been used for public utilities and the southernmost portion of this right-of-way has already had above-ground electrical utilities built on it and there may be undergrounded cable lines within the right-of-way as well if they were installed when the cable was undergrounded along Lyta Way to the south of this right-of-way. Has that been evaluated by the City in making this recommendation? We can't know that since there is no staff report and there hasn't been public discussion of this matter that I am aware of. When utilities have already been installed within a public right-of-way, the normal process should be used, which includes notice to the utility companies and preservation of the right-of-way for public utility purposes. (Public utilities are permitted to use public rights-of-way to install their utility infrastructure.)

I believe this right-of-way was originally obtained to facilitate future extension of Lyta Way north to Cedar Street. Lyta Way itself is also a 20-foot wide strip. Although both the right-of-way and Lyta Way are outside the City limits, they are in the sphere of influence and have been identified as future annexation areas to facilitate development. Paul Clark and others mention annexing these areas as ideal places for future residential development and that is why they have been identified that way in the Inland General Plan. What is the public benefit to vacating this right-of-way and thus making it more expensive for the City in the future when these areas are annexed into the City limits to facilitate additional residential development? I think vacating this 20 foot strip, which isn't wide enough for a full street but could accommodate a smaller road type like N. Sanderson Way that might be appropriate in this location. If we vacate this now, we won't have that option without potentially having to purchase a new right-of-way in the same location. Now, we could build a road by just having to acquire additional width to the right-of-way or having the developer donate that to the City as part of their subdivision.

Regards,

--Jacob