



# *CITY COUNCIL AGENDA REPORT*

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MEETING DATE: MAY 3, 2004

ITEM NUMBER:

**SUBJECT: PUBLIC HEARING FOR THE VACATION OF EXCESS RIGHT-OF-WAY ON SEA BLUFF DRIVE, EAST OF CANYON DRIVE**

**DATE: APRIL 22, 2004**

**FROM: PUBLIC SERVICES DEPARTMENT, ENGINEERING DIVISION**

**PRESENTATION BY: WILLIAM J. MORRIS, DIRECTOR OF PUBLIC SERVICES**

**FOR FURTHER INFORMATION CONTACT: ERNESTO MUNOZ, CITY ENGINEER AT 714-754-5173**

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## **RECOMMENDATION:**

1. Adopt Resolution ordering the vacation of excess right-of-way on Sea Bluff Drive, east of Canyon Drive.
2. Authorize execution of the Quitclaim Deed by the Mayor and the Deputy City Clerk.

## **BACKGROUND:**

At the request of Mr. Mark Raab of Raab Engineering, on behalf of the property owner, Greg Wallace, the Engineering Division is processing a request to vacate a portion of excess right-of-way on Sea Bluff Drive, east of Canyon Drive, in conjunction with the development of Instant Jungle at 2100 Canyon Drive as Tract 16070.

Tentative Tract Map 16070 was approved by the Costa Mesa Planning Commission on January 13, 2003 (see Attachment 1). The map reflects a proposal to abandon a portion of Sea Bluff Drive. This portion of Sea Bluff Drive, once abandoned, would revert back to the adjacent owner, Greg Wallace. It would then become a part of the land included within this subdivision. Staff conditioned the tentative tract accordingly, requiring the owner/developer to apply for a vacation of said right-of-way. Staff also included several Conditions of Approval for the proposed vacation (see Attachment 2) that will be discussed further in this report.

On March 22, 2004, a report was submitted to the Costa Mesa Planning Commission outlining the proposed vacation as required by Government Code Section 65402. Subsequently, the Planning Commission adopted Resolution PC-04-27 finding that the proposed vacation of excess right-of-way on Sea Bluff Drive, east of Canyon Drive, is consistent with the General Plan (see Attachment 3).

## **ANALYSIS:**

Sea Bluff Drive (30.00 feet wide, formerly known as Hamilton Street) was created on the Fairview Highlands Subdivision Tract No. 653 in 1924. This portion of Sea Bluff Drive was never constructed. Sea Bluff Drive is not shown on the Master Plan of Highways.

The area proposed for vacation has no public improvements and is completely unimproved. The terrain consists of wild grass and several trees and gives the appearance that it is a part of Canyon Park. There is an existing force sewer main and power pole with overhead electric and telephone lines located within the subject area. This pre-existing condition requires the City to reserve a public utility easement over the area to preserve the authority of the public utility companies to keep and maintain their facilities in place. The developer has expressed his intent to relocate these facilities outside of the subject vacation area at a later date. This would require coordination and approval by the affected utilities. Southern California Edison, SBC/Pacific Bell, and Costa Mesa Sanitary District are aware of the situation and are prepared to work with the developer to this end.

As a Condition of Approval of Tract 16070, Engineering staff has also conditioned the developer to exclude the westerly 50 feet of Sea Bluff Drive from the vacation area and improve it as a small, gated access/parking area for City maintenance vehicles. This is intended to improve this small corner area for easier access to the north end of Canyon Park.

The Notice of Intention to Vacate Excess Right-of-Way was presented to City Council at its regular meeting on April 5, 2004. Resolution No. 04-25 was subsequently adopted setting this public hearing. The property has been posted and notices of this public hearing were published, as required by the Resolution.

If the subject area were vacated, there would be no impact on the existing street or parkway area. The City sees no future need for the use of the subject area as public right-of-way. The vacation of the subject area would eliminate any City responsibility for its maintenance. Once the excess right-of-way is vacated, the land will revert to the underlying fee title owner and become private property (see Attachment 4).

Staff also recommends that a Quitclaim Deed be executed relinquishing the City of any interest in the subject excess right-of-way (see Attachment 5).

**ALTERNATIVES:**

The City could retain the excess right-of-way and continue to be responsible for its maintenance. However, this subject area is currently not improved and serves no public purpose. There are no future plans to extend Sea Bluff Drive over this area.

**FISCAL REVIEW:**

The City does not own the subject area in fee; therefore, there will be no fair market value compensation to the City in exchange for vacating this excess right-of-way. Once the area is vacated, it becomes taxable square footage, resulting in potential additional property taxes to the adjacent property owner to whom the land will revert. This could result in additional revenue to the City.

**LEGAL REVIEW:**

The City Attorney's Office has approved the attached Resolution as to form.

**CONCLUSION:**

Staff recommends City Council adopt the Resolution ordering the vacation of excess right-of-way on Sea Bluff Drive, east of Canyon Drive, and authorize execution of the Quitclaim Deed by the Mayor and Deputy City Clerk.

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ERNESTO MUNOZ  
City Engineer

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WILLIAM J. MORRIS  
Director of Public Services

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Attachment    1 - [Tentative Tract Map 16070](#)  
                  2 - [Conditions of Approval](#)  
                  3 - [Planning Commission Resolution PC-04-27](#)  
                  4 - [Resolution Ordering Vacation of Excess Right-of-Way](#)  
                  5 - [Quitclaim Deed](#)

Distribution:    City Manager  
                  Deputy City Clerk  
                  City Attorney  
                  Development Services Director  
                  Staff

Sea Bluff Vacation Report

4/14/04

9:00 a.m.