



CITY COUNCIL AGENDA REPORT

MEETING DATE: APRIL 5, 2005

ITEM NUMBER:

SUBJECT: NOTICE OF INTENT FOR THE VACATION OF TOWN CENTER DRIVE RIGHT-OF-WAY BETWEEN PARK CENTER DRIVE AND AVENUE OF THE ARTS

DATE: MARCH 24, 2005

FROM: PUBLIC SERVICES DEPARTMENT, ENGINEERING DIVISION

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

FOR FURTHER INFORMATION CONTACT: ERNESTO MUNOZ, CITY ENGINEER, AT 714-754-5343

RECOMMENDATION:

1. Set a public hearing for May 3, 2005, for the vacation of Town Center Drive right-of-way between Park Center Drive and Avenue of the Arts.
2. Adopt a Resolution of Intention to Vacate Town Center Drive Right-of-way between Park Center Drive and Avenue of the Arts.

BACKGROUND:

A request was received from Mr. Jerry E. Mandel, President of the Orange County Performing Arts Center, to vacate a portion of Town Center Drive. Mr. Mandel's request is pursuant to discussions and recommendations contained in the Development Agreements for Segerstrom Town Center (DA-00-02) and the Segerstrom Center for the performing Arts (DA-00-03).

The subject right-of-way was dedicated to the public for street purposes by the following easements/dedication:

<u>Tract No./Book and Page / Instrument No.</u>	<u>Date Recorded</u>
1) Book 12755, Page 1857 OR.	July 13, 1978
2) Tract No. 11762 Book 511 Pages 41-43	June 27, 1983
3) Instrument No. 83-360718 OR.	August 18, 1983

Town Center Drive is not designated on the Master Plan of Highways and, therefore, is defined as a local street. Town Center Drive is 58 feet wide. The area proposed for vacation is shown on Attachment 1.

On February 14, 2005, a report was submitted to the City of Costa Mesa Planning Commission outlining the proposed vacation as required by Government Code Section 65402. Subsequently, the Planning Commission adopted Resolution PC-05-10 finding that the proposed vacation of Town Center Drive right-of-way between Park Center Drive and Avenue of the Arts is consistent with the General Plan (see Attachment 2).

ANALYSIS:

In a letter dated January 13, 2005, staff presented the applicant with conditions for recommendation of approval of the proposed vacation. The recommendations are summarized as follows:

- 1) Show evidence of a reciprocal ingress-egress easement for shared access between the adjacent owners.
- 2) Provide a Minor Conditional Use Permit (MCUP) for all affected properties reflecting shared access by each of the parties over the proposed private street.
- 3) Provide a Hold Harmless Agreement indemnifying the City from any liability pertaining to the existing improvements.

The applicant has submitted the necessary documentation and, as of March 18, 2005, all submittals have been processed to the satisfaction of the City.

The proposed vacation would create no impact on the remaining street or parkway area within Town Center Drive between Bristol Street and Park Center Drive or on Avenue of the Arts. The proposed abandonment area has been reviewed by the Engineering and Transportation Services Divisions and, based on the proposed development and land uses, would become unnecessary for public street and highway purposes. The vacation of the subject area would eliminate the City responsibilities for its maintenance. Once the excess right-of-way is vacated, the land will revert to the underlying fee title owners and become private property subject to a Public Utility and Drainage Easement to the City.

ALTERNATIVES:

The City could retain the excess right-of-way and continue to be responsible for its maintenance. However, this action would be inconsistent with the design concepts and alignments presented in the Developers Agreement 00-02 and 00-03, which was previously approved by the City Council.

FISCAL REVIEW:

There is no fiscal impact associated with this report.

LEGAL REVIEW:

The City Attorney's Office has approved the attached resolution as to form (Attachment 3).

CONCLUSION:

Staff recommends the City Council set a public hearing for May 3, 2005, and adopt the attached Resolution of Intention to Vacate Town Center Drive Right-of-way between Park Center Drive and Avenue of the Arts.

ERNESTO MUNOZ
City Engineer

WILLIAM J. MORRIS
Director of Public Services

Attachment: 1 – [Legal Description and Exhibit](#)
2 – [Planning Commission Resolution PC-05-10](#)
3 – [Resolution of Intention to Vacate a Portion of Town Center Drive](#)

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

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