

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA FINDING THAT VACATION OF A PORTION OF TOWN CENTER DRIVE IS IN CONFORMANCE WITH THE CITY OF COSTA MESA 2000 GENERAL PLAN

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, the City of Costa Mesa 2000 General Plan was adopted on January 22, 2002;

WHEREAS, the California Government Code 65402 provides, in part, that a local agency shall not acquire, use, or dispose of any real property until the use of the property has been reported upon as to conformity with the applicable General Plan;

WHEREAS, the City Council adopted General Plan Amendment on February 5, 2001, which deleted the subject right-of-way, as shown in Exhibit "A", from the City's Master Plan of Highways;

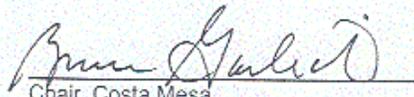
WHEREAS, Jerry Mandel, on behalf of the Orange County Performing Arts Center, proposes the acquisition of the subject right-of-way from the City of Costa Mesa;

WHEREAS, on February 2, 2004, the City Council of the City of Costa Mesa approved the Town Center Drive Master Plan to allow the improvement of this portion of Town Center Drive as a private street and a pedestrian-oriented public plaza linking the major arts venues within the South Coast Plaza Town Center Theater Arts District; and

WHEREAS, the subject right-of-way does not serve any public street or highway purpose.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby find that the Orange County Performing Arts Center's proposed acquisition of the subject right-of-way is in conformance to the City of Costa Mesa 2000 General Plan, subject to the condition of approval listed in Exhibit "B".

PASSED AND ADOPTED this 14th day of February, 2005.


Chair, Costa Mesa
Planning Commission

Deed No. _____

RBF Consulting
14725 Alton Parkway
Irvine, California 92618

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December 17, 2004
JN10-103650
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EXHIBIT "A"

LEGAL DESCRIPTION

ABANDONMENT OF A PORTION
OF TOWN CENTER DRIVE

That certain parcel of land situated in the City of Costa Mesa, County of Orange, State of California being that portion of Town Center Drive as shown on Tract No. 11762 filed in Book 511, Pages 41 through 43 of Miscellaneous Maps, together with that portion of Parcel 1 as described in and shown on City of Costa Mesa Lot Line Adjustment No. LL-2001-02 recorded September 11, 2001 as Instrument No. 20010641069 of Official Records, both in the Office of the County Recorder of said Orange County, described as follows:

COMMENCING at the easterly terminus of that certain course shown as being "North 89°05'11" West 290.64 feet" in the southerly line of Town Center Drive on Parcel Map No. 99-112 filed in Book 327, Pages 16 through 18 of Parcel Maps, in the Office of the County Recorder of said Orange County; thence along said southerly line North 89°05'11" West 12.08 feet to the **TRUE POINT OF BEGINNING**; thence continuing along said southerly line, the southerly line of Town Drive Center Drive as described in the Easement Deed in favor of the City of Costa Mesa recorded August 18, 1983 as Instrument No. 83-360718 of Official Records, in the Office of the County Recorder of said Orange County and the southerly line of Town Center Drive as described in the Easement Deed in favor of the City of Costa Mesa recorded July 13, 1978 in Book 12755, Page 1857 of Official Records, in the Office of the County Recorder of said Orange County, through the following courses: North 89°05'11" West 278.56 feet to the beginning of a tangent curve concave northerly and having a radius of 259.00 feet; thence along said curve westerly 142.40 feet through a central angle of 31°30'04"; thence tangent from said curve North 57°35'07" West 50.03 feet to the beginning of a tangent curve concave southerly and having a radius of 201.00 feet; thence along said curve westerly 107.75 feet through a central angle of 30°42'53"; thence tangent from said curve North 88°18'00" West 47.50 feet; thence leaving said last mentioned southerly line North 01°42'00" East 58.00 feet to an angle point in the northerly line of Town Center Drive as shown on said Tract No. 11762; thence along said northerly line through the following courses: South 88°18'00" East 47.50 feet to the beginning of a tangent curve concave southerly and having a radius of 259.00 feet; thence along said curve easterly 138.84 feet through a central angle of 30°42'53"; thence tangent from said curve South 57°35'07" East 50.03 feet to the beginning of a tangent curve concave northerly and having a radius of 201.00 feet; thence along said curve easterly 110.51 feet through a central angle of 31°30'04"; thence tangent from said curve South 89°05'11" East 277.67 feet to a point

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Abandonment of a Portion
Of Town Center Drive

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on a non-tangent curve concave easterly and having a radius of 75.00 feet, a radial line of said curve from said point bears South 67°13'06" East; thence leaving said northerly line along said curve southerly 59.56 feet through a central angle of 45°30'01" to the **TRUE POINT OF BEGINNING**.

CONTAINING: 0.828 acres, more or less.

SUBJECT TO all Covenants, Rights, Rights-of-Way and Easements of Record.

EXHIBIT "B" attached and by this reference made a part hereof.



Gregory A. Helmer, L.S. 5134



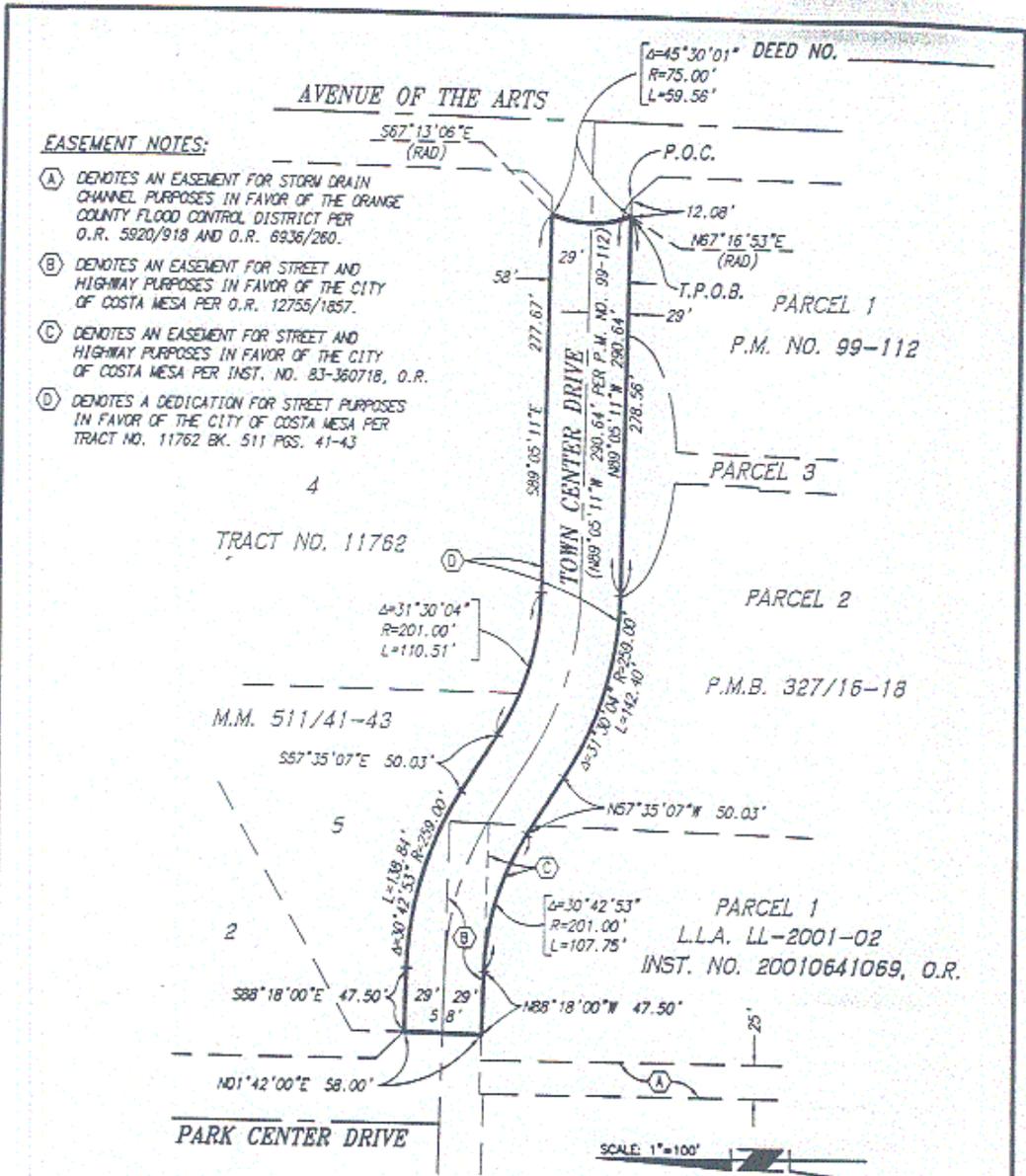


EXHIBIT 'B'
 SKETCH TO ACCOMPANY A
 LEGAL DESCRIPTION FOR
 ABANDONMENT OF A PORTION
 OF TOWN CENTER DRIVE
 CONTAINING: 0.828 ACRES, MORE OR LESS

RBF
 CONSULTING
 REVISIONS: FEBRUARY 14, 2005
 DECEMBER 17, 2004

PLANNING • DESIGN • CONSTRUCTION

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J.N. 10-103650

EXHIBIT "B"

CONDITIONS OF APPROVAL

- Ping. 1. Applicant shall process a minor conditional use permit to allow all involved parties (South Coast Repertory, Center Tower, and the two Orange County Performing Arts Center facilities) and their customers/attendees/ employees access to the drop-off/pick-up area in front of the Orange County Performing Arts Center facilities, as well as the parking structure behind 600 and 650 Town Center Drive. As a condition of approval, a recorded reciprocal ingress-egress easement incorporating all involved property owners will be required.