

**RESOLUTION NO. 06-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, SUMMARILY RELINQUISHING EXEMPT EXCESS SURPLUS LAND ADJACENT TO AIRPORT CHANNEL IN THE VICINITY OF SR-55 SOUTHBOUND TO I-405 NORTHBOUND CONNECTOR**

**THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:**

WHEREAS, pursuant to the original conditions of approval for Tract No. 10950, the owners of said tract previously dedicated to the City an easement for street and highway purposes over portion of Lot 4 of said tract, adjacent to Airport Channel in the vicinity of SR-55 Southbound to I-405 Northbound connector, which easement was recorded on February 2, 2000 as Instrument No. 20000058827 of the Official Records of Orange County, California (the "Original Dedication"); and

WHEREAS, the California Department of Transportation ("Caltrans") has recently determined that a portion of easement obtained is no longer needed for the I-405/SR-55 Transitway Project; and

WHEREAS, Caltrans and the City no longer need or require the portion of the Original Dedication on said Lot 4 that is more particularly described in Exhibit "A" attached to and incorporated into this Resolution (the "Surplus Land"); and

WHEREAS, the "Surplus Land" has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation described herein; and there are no other public facilities located within said "Surplus Land", within the meaning of California Streets & Highways Code Section 8333(a) and (c), and the summary vacation of said "Surplus Land" is therefore appropriate; and

WHEREAS, according to Government Code Section 54221.e (2A), this land can be considered as "Exempt Surplus Land"; and

WHEREAS, this "Exempt Surplus Land" is relinquished to the owners of contiguous land; and

WHEREAS, based on all the information and evidence submitted the City Council finds that vacation of the "Surplus Land" is consistent with the City's General Plan;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES ORDER AND RESOLVE AS FOLLOWS:

1. The "Surplus Land" as described in Exhibit A is unnecessary for present or prospective use as a public service easement and is determined to be "Exempt Surplus Land" based on Government Code Section 54221.e (2A).
2. It is hereby ordered that pursuant to Chapter 4, Section 8333 of Part 3 of Division 9 of the California Streets & Highways Code, the following described right-of-way and the same is hereby, vacated:
  - a. SEE LEGAL DESCRIPTION ATTACHED HERETO AS EXHIBIT "A"
3. The City Clerk shall cause a certified copy of this Resolution, attested by the City Clerk under seal, to be recorded without acknowledgement, certificate of acknowledgement, or further proof in the Office of the County Recorder, Orange County, California.

PASSED AND ADOPTED this 6<sup>th</sup> day of June 2006.

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Mayor, City of Costa Mesa

ATTEST:

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City Clerk of the City of Costa Mesa

APPROVED AS TO FORM:

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City Attorney

STATE OF CALIFORNIA)  
COUNTY OF ORANGE ) ss.  
CITY OF COSTA MESA )

I, Julie Folcik, City Clerk and ex-officio Clerk of the City Council of the City of Costa Mesa, hereby certifies that the above and foregoing Resolution No. \_\_ was duly and regularly passed and adopted by said City Council at a regular meeting thereof held on the 6<sup>TH</sup> day of June, 2006.

IN WITNESS WHEREOF, I have hereby set my hand and affixed the Seal of the City of Costa Mesa this \_\_ day of \_\_\_\_\_, 2006.

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City Clerk and ex-officio Clerk of the City Council of  
the City of Costa Mesa

# **EXHIBIT “A”**