



CITY COUNCIL AGENDA REPORT

MEETING DATE: JUNE 6, 2006

ITEM NUMBER:

SUBJECT: RELINQUISHMENT OF EXEMPT SURPLUS LAND TO JKS-CMFV, LLC AND AMS CRAIG, LLC

DATE: MAY 19, 2006

FROM: PUBLIC SERVICES DEPARTMENT - TRANSPORTATION SERVICES DIVISION

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

FOR FURTHER INFORMATION CONTACT: PETER NAGHAVI, TRANSPORTATION SERVICES MANAGER, 714-754-5182

RECOMMENDATION:

Adopt Resolution (Attachment 1) to relinquish exempt surplus land acquired for the I-405/SR-55 Transitway project to the adjoining property owners JKS-CMFV, LLC and AMS Craig, LLC; and authorize the Mayor and City Clerk to execute the Quitclaim Deed (Attachment 2).

BACKGROUND:

The City of Costa Mesa, the Orange County Transportation Authority (OCTA) and the State of California Department of Transportation (Caltrans) have been working together in an effort to implement operational and capacity improvements to the Interstate 405 and State Route 55 (I-405/SR-55 Transitway Project). The improvements include addition of a new northbound I-405 offramp to Avenue of the Arts, a new northbound I-405 Freeway onramp at Anton Boulevard, separating the southbound SR-55 to northbound I-405 connector traffic from the northbound I-405 traffic exiting the freeway at Bristol Street with a braid structure, and direct High Occupancy Vehicle (HOV) connectors between SR-55 and I-405 Freeways.

In order to enable the construction of the Transitway Project, the City of Costa Mesa received Right Of Way from various adjacent properties within the City's segment of the project also known as Minimum Operating Segment (MOS) 2. The City then intended to transfer the same Rights Of Way to Caltrans for the completion of the project.

ANALYSIS:

Construction on the Transitway project was initiated in February 2001, and the project is in final stages of completion. All elements of the project that directly benefit Costa Mesa have been completed. These include the separation of the SR-55 southbound to I-405 northbound connector traffic from the northbound I-405/Bristol Street offramp traffic with a braid structure, a new offramp from northbound I-405 Freeway to Avenue of the Arts, and a new onramp to northbound I-405 Freeway from Anton Boulevard.

In July 2004, the City transferred all parcels with the exception of Parcel 101375-3 to Caltrans by approval of a right-of-way contract and grant deeds. Parcel 101375-3 was not included in the July 2004 transfer, as the need for that parcel was not accurately defined at that time. Caltrans has now completed the field surveys and has identified that only a portion of Parcel of 101375-3 is required for the Transitway project. The remaining portion of the parcel, which is approximately 65.806 square-meters (708.3 square-feet) is not needed for the Transitway project and is considered as “**exempt surplus land**” per Government Code Section 54221(e)-2(A). A Map and Legal Description of this land is included as Attachment 3. Caltrans and City staff have determined that there is no future need for the use of this property. The adoption of the resolution relinquishing this “exempt surplus land” would eliminate any City liability pertaining to this property. Once the excess land is relinquished, it will revert to the adjoining property owners JKS-CMFV, LLC and AMS Craig, LLC, and it will become private property. In addition to the adoption of this resolution, staff also recommends that a Quitclaim Deed be executed relinquishing the City’s interest in this surplus land.

ALTERNATIVES CONSIDERED:

The City Council may select to not approve the Resolution and the deed. This alternative will result in increased liability to the City.

FISCAL REVIEW:

There is no fiscal impact with this item.

LEGAL REVIEW:

The City Attorney’s office has reviewed and approved the resolution and deed as to form.

CONCLUSION:

The City of Costa Mesa, in conjunction with OCTA and Caltrans, is in the final stages of completing the I-405/SR-55 Transitway project. In order to enable construction of various elements that benefit the community, the City received several parcels of Right Of Way from properties adjacent to the project. According to the agreement with OCTA, the City is required to transfer ownership of these parcels to Caltrans. However, Caltrans eliminated a portion of Parcel 101375-3 from the project. Due to the size and location of this excess land, it is considered as “exempt surplus land” that could be transferred to the adjoining land owners, JKS-CMFV, LLC and AMS Craig, LLC. Staff requests Council approval of resolution and execution of the Quitclaim Deed to transfer this surplus land.

PETER NAGHAVI
Manager, Transportation Services

WILLIAM J. MORRIS
Director of Public Services

DISTRIBUTION: City Manager
City Clerk
Deputy City Manager – Dev. Svcs.
Director of Public Services
Staff
File

ATTACHMENTS: 1 [Resolution](#)
2 [Quitclaim Deed](#)
3 [Legal Description and Map of Exempt Surplus Land](#)