



CITY COUNCIL AGENDA REPORT

MEETING DATE: JUNE 6, 2006

ITEM NUMBER:

SUBJECT: NOTICE OF INTENT FOR THE VACATION OF A PORTION OF ALLEY 84 EXCESS RIGHT-OF-WAY ADJACENT TO 164 MAGNOLIA STREET

DATE: MAY 25, 2006

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 on July 5, 2006, for the vacation of a portion of public Alley No. 84 adjacent to 164 Magnolia Street.
2. Adopt a Resolution of Intent to Vacate a portion of public Alley No. 84 adjacent to 164 Magnolia Street.

BACKGROUND:

A request was received by the Engineering Division from Mrs. Margaret Mary Cashew to vacate a portion of public right-of-way, commonly known as Alley No. 84 (see Attachment 1). The fee title owner dedicated this easement to the public for alley purposes on November 30, 1929, and on February 2, 1979. Alley No. 84 is a dead-end alley, and the proposed vacation portion lies adjacent to the applicant's property. It has become overgrown with vegetation and there are no public improvements for adequate vehicle access (see Attachment 2). This portion of the alley is not required for any ingress and egress purposes to private property. Currently, there are overhead power lines located within the public right-of-way of this alley. There are also underground utilities such as water and gas lines that are within the alley right-of-way.

On May 22, 2006, 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-06-33 finding that the proposed abandonment of a portion of excess right-of-way of public Alley No. 84 is consistent with the General Plan (see Attachment 3).

ANALYSIS:

The excess right-of-way has been reviewed by the Engineering and Transportation Services Division and determined that this portion of Alley No. 84 is unnecessary for public Alley purposes. The vacation of this portion of the alley would eliminate the City's responsibility for its maintenance. Once the alley is vacated the land will revert to the underlying fee title owner, Mrs. Margert Mary Cashel, at 164 Magnolia Street, and become private property. Staff recommends that a public utility easement be reserved for all existing overhead and underground utilities as described in the Resolution of Intent to Vacate (see Attachment 4).

ALTERNATIVES:

The City could retain this portion of the alley and continue to be responsible for its maintenance. However, the alley is currently not improved to City standards and serves no public purpose except as an easement for public utilities and drainage.

LEGAL REVIEW:

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

CONCLUSION:

Staff recommends the City Council set a public hearing for July 5, 2006, and adopt the attached Resolution of Intention to Vacate a portion of public Alley No. 84.

ERNESTO MUNOZ
City Engineer

WILLIAM J. MORRIS
Director of Public Services

Attachments: 1 – [Legal Description and Exhibit](#)
2 – [Pictures of Excess Vegetation without Improvements](#)
3 – [Planning Commission Resolution PC-06-33](#)
4 – [Resolution of Intention to Vacate Excess Right-of-way](#)

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

Alley 84 Vacation Report

05/23/06

11:30 a.m.