



# CITY COUNCIL AGENDA REPORT

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MEETING DATE: SEPTEMBER 19, 2006

ITEM NUMBER:

**SUBJECT:** PUBLIC HEARING FOR THE VACATION OF EXCESS RIGHT-OF-WAY ON PORTIONS OF EL CAMINO DRIVE, MENDOZA DRIVE, AND PORTIONS OF CORONADO DRIVE

**DATE:** SEPTEMBER 7, 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

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## **RECOMMENDATION:**

1. Adopt the Resolution ordering the vacation of excess right-of-way along portions of El Camino Drive, Mendoza Drive, and portions of Coronado Drive.
2. Authorize execution of the Quitclaim Deeds by the Mayor and City Clerk.

## **BACKGROUND:**

At the request of Mr. Robin Hamers, Robin B. Hamers & Associates, Inc., on behalf of the property owner, Oxbow 101, LLC, the Engineering Division is processing a request to vacate a portion of excess right-of-way on El Camino Drive, Mendoza Drive, and Coronado Drive (see Attachment 1). This request is in conjunction with the development of a 24-unit, two-story, small lot, residential, common interest development known as Tract 16917.

Tentative Tract Map 16917 was approved by Costa Mesa Planning Commission by Resolution No. PC-05-81 on December 12, 2005 (see Attachment 2, Map). The map reflects a proposal to abandon portions of El Camino Drive, Mendoza Drive, and Coronado Drive right-of-way. Once these portions are abandoned, they will revert back to the adjacent owner, Oxbow 101 LLC. Also, the proposed abandonment will cause portions of the right-of-way to revert to adjacent property owners outside of the development project at 2829 and 2805 San Juan Lane. Both property owners outside of the development project are in agreement with the proposed abandonment. The vacated right-of-way area would then become a part of the land included within this subdivision and the two other adjacent properties. The Resolution PC-05-81 conditioned the Tentative Tract No. 16917 accordingly, requiring the owner/developer to apply for a vacation of said right-of-way.

By the Planning Commission adopting Resolution No. PC-05-81 for the approval of Tentative Tract Map 16917, it was also found that the proposed vacation of excess right-of-way on El Camino Drive, Mendoza Drive, and Coronado Drive was consistent with the General Plan and, thereby, in compliance with Government Code Section 65402.

## **ANALYSIS:**

El Camino Drive, Mendoza Drive, and Coronado Drive (all being 80 feet wide) were created by Tract No. 5252 recorded on August 29, 1963. The original design of these streets was made prior to the City instigating a Master Plan of Highways in 1971. The Current Master Plan of Highways

classifies El Camino Drive and Mendoza Drive as collectors with a designation of 60-foot, full width right-of-way. Coronado Drive, however, is not specified on the Master Plan of Highways and, therefore, is classified as a residential street per the City's Public Services Department Standard Drawings, which also designates a 60-foot, full width right-of-way. This results in an excess of 10 feet of right-of-way on both sides of the subject streets with a total of 20 feet of full width excess right-of-way. The proposed abandonment would vacate 10 feet of excess right-of-way adjacent to the new subdivision. This would produce a half street width of 30 feet adjacent to the development property and the other two properties adjacent to El Camino Drive (2829 San Juan Lane) and adjacent to Coronado Drive (2805 San Juan Lane).

There are existing utilities with electrical, telephone, cable TV, and overhead electrical on El Camino Drive within the proposed vacation area. This preexisting condition requires the City to reserve a public utility easement, in conjunction with the vacation, to preserve the authority of the public utility companies to keep and maintain their facilities in place. The developer, on his own initiative, plans to underground the overhead utilities on El Camino Drive. This would require coordination and approval by the affected utilities. Southern California Edison and AT&T are aware of the situation and are prepared to work with the developer to this end.

The Notice of Intention to Vacate Excess Right-of-way was presented to the City Council at its regular meeting on August 15, 2006. Resolution No. 06-67 was subsequently adopted setting this public hearing (see Attachment 3). The property has been posted and notices of this public hearing were published, as required by the resolution.

The City has received Performance Bonds by the developer for offsite improvements. This includes the improvements within the proposed vacated area. Improvements not limited to but to be included are new sidewalk, landscaping, curb & gutter, access ramps and storm drain.

The excess right-of-way has been reviewed by the Transportation Services Division, and there is no future need for the use of the subject area as public right-of-way. In addition, if the subject area is vacated, there would be no impact on the existing street or parkway area. The vacation of the subject area would eliminate any City responsibility for its maintenance. Once the excess right-of-way is vacated, the land will revert to the underlying fee title owner and become private property. Staff has prepared the attached Resolution ordering the vacation of excess right-of-way (see Attachment 4). Staff also recommends that three (3) Quitclaim Deeds be executed relinquishing the City of any interest in the subject excess right-of-way (see Attachment 5).

#### **ALTERNATIVES:**

The City could retain the excess right-of-way on El Camino Drive, Mendoza Drive, and Coronado Drive and continue to be responsible for its maintenance.

#### **FISCAL REVIEW:**

The City does not own the subject area in fee; therefore, there will be no fair market value compensation to the City in exchange for vacating this excess right-of-way. Once the area is vacated, it becomes taxable square footage, resulting in potential additional property taxes to be paid by the property owner to which the land will revert. This could potentially result in additional revenue to the City.

#### **LEGAL REVIEW:**

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

**CONCLUSION:**

Staff recommends the City Council adopt the Resolution ordering the vacation of excess right-of-way along portions of El Camino Drive, Mendoza Drive, and portions of Coronado Drive and authorize execution of the Quitclaim Deeds by the Mayor and City Clerk.

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ERNESTO MUNOZ  
City Engineer

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WILLIAM J. MORRIS  
Director of Public Services

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Attachments: 1 - [Legal Descriptions and Exhibits](#)  
2 - [Tentative Tract Map](#)  
3 - [Resolution 06-67 Notice of Intent to Vacate Excess Right-of-way](#)  
4 - [Resolution Ordering Vacation of Excess Right-of-way](#)  
5 - [Three Quitclaim Deeds](#)

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