



# *CITY COUNCIL AGENDA REPORT*

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MEETING DATE: APRIL 3, 2007

ITEM NUMBER:

**SUBJECT: ORANGE COUNTY FLOOD CONTROL DISTRICT EASEMENT DEED FOR SUSAN STREET EXIT RAMP**

**DATE: MARCH 22, 2007**

**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**

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## **RECOMMENDATION:**

1. Approve the attached Easement Deed (Attachment 1) granting the City of Costa Mesa surface easement over the Gisler Channel within the proposed Susan Street Exit Ramp Right-of-Way;
2. Authorize the City Manager and/or City Attorney to make minor revisions to the Easement Deed based on final discussions with OCFCD and Caltrans;
3. Authorize the Mayor and City Clerk to execute the Easement Deed; and
4. Direct City Clerk to record the Easement Deed.

## **BACKGROUND:**

The Home Ranch Environmental Impact Report (EIR) included the analysis of adding a Susan Street connection from the triple offramp serving South Coast Drive, Fairview Road and Harbor Boulevard from the northbound I-405 Freeway. The proposed Susan Street offramp is shown in Attachment 2. It was determined that this offramp would improve existing and future traffic circulation at the adjacent I-405/Harbor Boulevard and I-405/Fairview Road interchanges and other surface intersections in the vicinity. As part of the Development Agreement for Home Ranch, C. J. Segerstrom & Sons have agreed to fully fund the design, right-of-way and construction of the new Susan Street offramp.

Over the past 5 years, staff has been working with the State of California Department of Transportation (Caltrans) and C.J. Segerstrom & Sons in finalizing design plans for the Susan Street Exit Ramp project. The project is nearing design completion, with final approvals and permits expected by May 2007. All work will be performed within the Caltrans and Orange County Flood Control District (OCFCD) jurisdiction, as well as on right-of-way that would be dedicated to the City by Segerstrom and IKEA.

**ANALYSIS:**

As mentioned earlier, a portion of the Susan Street Exit Ramp project would be constructed over underground Gisler Channel, part of which is currently under Orange County Flood Control District (OCFCD) jurisdiction. The area under OCFCD jurisdiction is shown in Attachment 3. Caltrans requires the City to acquire permanent surface easement on this portion of OCFCD right-of-way prior to obtaining encroachment permits for the project construction.

In order to obtain this easement, OCFCD requested that an easement deed be approved by the City, documenting the City's and OCFCD's responsibilities for the easement. The deed also allows the City to then transfer the easement to Caltrans with the same terms at the completion of the project construction.

Staff and City Attorney have reviewed and approved the attached Easement Deed as to form. Staff requests City Council approval of the Easement Deed in order to proceed to the construction phase of the project. While staff is requesting that the City Council approve the deed in its current form, staff also requests City Council authorization of the City Manager and/or City Attorney to accept minor modifications to the deed that may be requested by Caltrans and/or OCFCD, so long as they do not substantially deviate from the current provisions. The Mayor will be executing the Easement Deed that is acceptable to all parties. Although it is not expected, if substantial revisions are requested to be made to the Easement Deed, it will be resubmitted to City Council for consideration prior to its execution.

**ALTERNATIVES CONSIDERED:**

The City Council may elect to not approve the Easement Deed. This alternative will result in the City not being able to acquire the required permit from Caltrans for the construction of the Susan Street Exit Ramp project. This will also result in loss of significant funds expended by the developer to date on this project.

**FISCAL REVIEW:**

The approval of the attached Easement Deed does not have a fiscal impact on the City. Following construction of the Susan Street Exit Ramp project, the OCFCD Easement will be transferred to Caltrans with the same terms.

**LEGAL REVIEW:**

The City Attorney's office has reviewed and approved the Easement Deed as to form.

**CONCLUSION:**

Staff recommends that the City Council approve the attached Easement Deed and authorize the Mayor and City Clerk to sign. This will enable the City to secure the needed surface easement over the existing OCFCD channel for the Susan Street Exit Ramp project. Staff also requests City Council authorization for the City Manager and City Attorney to make minor revisions to the document based on discussions with OCFCD and Caltrans so long as they do not substantially deviate from the main provisions. The easement will be transferred to Caltrans following the project construction.

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**PETER NAGHAVI**

Transportation Services Manager

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**WILLIAM J. MORRIS**

Director of Public Services

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City Clerk  
Deputy City Manager – Dev. Svcs.  
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ATTACHMENTS: 1 [Easement Deed with OCFCD](#)  
2 [Susan Street Exit Ramp Project Location](#)  
3 [OCFCD Easement Area](#)