



# CITY COUNCIL AGENDA REPORT

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MEETING DATE: MAY 15, 2007

ITEM NUMBER:

**SUBJECT: AGREEMENT AND GRANT OF EASEMENTS FOR TRAFFIC SIGNAL IMPROVEMENTS AND BIKE TRAIL AT 2888 HARBOR BOULEVARD (PA 05-36)**

**DATE: MAY 3, 2007**

**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:**

Accept two Agreements and Grant of Easement documents for 1) Traffic Signal Improvements, and 2) Bike Trail, both located at 2888 Harbor Boulevard. In addition, authorize the Mayor and City Clerk to sign and record both easement deeds.

## **BACKGROUND:**

Final Tract Map No. 16937 for a residential subdivision was approved by City Council on July 18, 2006. The owner of the subdivision, Richmond American Homes of California, developed the condominium complex at 2501 Harbor Boulevard adjacent to the State of California's Fairview Development Center (FDC) located at 2888 Harbor Boulevard. In accordance with the development conditions for the subdivision, the existing entrance at Harbor Boulevard and Shelly Drive was closed off while the existing entrance at Harbor Boulevard and Fair Drive was widened in order for both properties, the new subdivision and FDC, to share access from Harbor Boulevard (see Attachment 1). In addition, the development conditions also required a dedication for sufficient right-of-way to accommodate modifications to the alignment and extension of the existing bicycle trail (see Attachment 2). These conditions were set forth to avoid traffic congestion at the entrance of the new subdivision and the State's facility, and to extend the existing bike trail through the subject intersection.

As required by the conditions of approval, additional right-of-way is required at the northwest corner of Harbor Boulevard and Fair Drive to widen the existing entrance. In order to comply with this condition, the applicant has submitted an easement agreement for City Council acceptance (see Attachment 3).

In accordance with the conditions of approval to extend the existing bike trail, additional right-of-way is required. In order to comply with this condition, the applicant has submitted an easement agreement for City Council acceptance (see Attachment 4).

## **ANALYSIS:**

Along a portion of the northwest corner of the Harbor Boulevard and Fair Drive intersection (entrance to Richmond American Homes development and FDC), insufficient right-of-way exists to accommodate the traffic signal relocation and the installation of an Americans with Disabilities Act (ADA) compliant access ramp. In order to accommodate widening of the entrance for adequate access and the stated improvements, which includes access and maintenance to the traffic signal equipment, an easement is required. In addition, an existing bike trail ends approximately 150 feet

from the subject intersection. In order to accommodate the extension and the required width of a class 1 bike trail, a 12-foot wide bike trail easement is required. A realignment around an existing large planter is needed due to the limiting width between the existing planter, sidewalk, and curb along Harbor Boulevard. Staff has worked with the applicant (Richmond American Homes) and administrators of the State's property to secure the necessary easements for both locations. In consideration for the State granting the easements to the City, the City has agreed to indemnify the State from all claims and liabilities arising from public use of the easements and the maintenance of both the Traffic Signal and Bike Trail improvements (see Attachments 3 & 4). In order to accept these obligations, the documents must be signed and accepted by an authorized City official.

**ALTERNATIVES CONSIDERED:**

The alternative to this Council action would be to reject the easement agreements. If this alternative is selected, the traffic signal, ADA access ramp, and bicycle trail would be located on the State's property and not available for public use as it is intended. Access to the traffic signal and bike trail for repairs would also be located on the State's property and would require permission from the State to access the traffic signal and other improvements for repairs. However, this alternative would be inconsistent with the conditions of Planning Action PA05-36, which requires the entrance to be widened and a bike trail constructed, thereby requiring an easement to be granted to the City. This alternative is not recommended due to safety considerations at these locations which are mitigated by the traffic signal and ADA access ramp in the public right-of-way.

**FISCAL REVIEW:**

The subject agreements and easements have been granted to the City of Costa Mesa at no cost. There is no fiscal impact to accepting the easements.

**LEGAL REVIEW:**

The City Attorney's office has approved the attached easement deeds as to form.

**CONCLUSION:**

Staff recommends the City Council accept both Agreements and Grant of Easements at 2888 Harbor Boulevard, and authorize the Mayor and City Clerk to sign and record the easement deeds.

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ERNESTO MUNOZ  
City Engineer

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WILLIAM J. MORRIS  
Director of Public Services

Attachments 1 - [Code Requirements of Planning Action PA05-36](#)  
2 - [Project Development Conditions](#)  
3 - [Traffic Signal Improvements Easement Deed and Agreement](#)  
4 - [Bike Trail Easement Deed and Agreement](#)

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