



CITY COUNCIL AGENDA REPORT

MEETING DATE: JUNE 19, 2007

ITEM NUMBER:

SUBJECT: NOTICE OF INTENT FOR THE VACATION OF EXCESS RIGHT-OF-WAY ON PAULARINO AVENUE BETWEEN AIRWAY AVENUE AND JOHN WAYNE AIRPORT

DATE: JUNE 7, 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

RECOMMENDATION:

1. Set a public hearing on July 17, 2007, for the vacation of excess right-of-way of a portion of Paularino Avenue.
2. Adopt a Resolution of intent to vacate excess right-of-way of a portion of Paularino Avenue (see Attachment 1).

BACKGROUND:

At the request of Mr. Allan Murphy, Director of the John Wayne Airport (JWA), the Public Services Department is processing a request to vacate Paularino Avenue right-of-way located between Airway Avenue and the John Wayne Airport property. This portion of Paularino Avenue is not a through street and dead ends at the JWA property (see Attachment 2). The request is pursuant to JWA Administration's mandate from the Federal Aviation Administration (FAA) to increase the security at the Airport. It has been strongly recommended that Paularino Avenue at this location be secured and closed to the public.

This portion of Paularino Avenue is 60 feet wide, and was created by Tract No. 7076, which was recorded on June 25, 1970. Paularino Avenue is classified as a local street.

On May 29, 2007, 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-07-42 finding that the proposed excess right-of-way vacation of Paularino Avenue east of Airway Avenue is consistent with the General Plan and, thereby, in compliance with Government Code Section 65402 (see Attachment 3).

ANALYSIS:

Ingress and egress to adjacent properties will still be available by public access provided by Airway Avenue. There are existing public utilities located within the proposed right-of-way vacation area. The City has been requested to reserve a public utility easement to preserve the rights of these utilities within this area. The City can reserve a public utility easement in conjunction with the vacation pursuant to Section 8330 of the Streets and Highways Code.

The excess right-of-way has been reviewed by the Engineering and Transportation Services Divisions, 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, which is the County (see Attachment 4).

ALTERNATIVES:

The City could retain the excess right-of-way and continue to be responsible for its maintenance. However, this portion of Paularino Avenue and its existing improvements are not needed for public use and would be an unnecessary cost to the City.

FISCAL REVIEW:

No financial impact to the City is anticipated as a result of the vacation of the excess right-of-way.

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 on July 17, 2007, and adopt the attached Resolution ordering the vacation of excess right-of-way for a portion of Paularino Avenue.

ERNESTO MUNOZ
City Engineer

WILLIAM J. MORRIS
Director of Public Services

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- Attachments: 1 - [Resolution of Intent to Vacate Excess Right-of-Way](#)
2 - [Exhibit Map of Paularino Avenue](#)
3 - [Planning Commission Resolution PC-07-42](#)
4 - [Legal Description and Exhibit](#)

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