



# *CITY COUNCIL AGENDA REPORT*

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MEETING DATE: NOVEMBER 20, 2007

ITEM NUMBER:

**SUBJECT: TRANSFER OF ORANGE COUNTY FLOOD CONTROL DISTRICT EASEMENT DEED TO STATE OF CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS) FOR SUSAN STREET EXIT RAMP**

**DATE: NOVEMBER 6, 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) to transfer the easement over the Gisler Channel within the proposed Susan Street Exit Ramp Right-of-Way to the State of California Department of Transportation (Caltrans);
2. Authorize the City Manager and/or City Attorney to make minor revisions to the Agreement, as needed, based on final discussions with Caltrans; and
3. Authorize the Mayor and City Clerk to execute the Easement Deed.

## **BACKGROUND:**

The Home Ranch Environmental Impact Report (EIR) included the analysis of adding a Susan Street connection to the existing triple offramp serving South Coast Drive, Fairview Road and Harbor Boulevard from the northbound I-405 Freeway. 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 several years, staff has been working with the State of California Department of Transportation (Caltrans), and C.J. Segerstrom & Sons on the Susan Street Exit Ramp project. All work on the Susan Street offramp is within Caltrans and Orange County Flood Control District (OCFCD) jurisdiction, as well as on right-of-way dedicated to the City and Caltrans by Segerstrom and IKEA.

In April 2007, the City Council approved an easement deed between OCFCD and City of Costa Mesa, which enabled the City to obtain permanent surface easement over a portion of Gisler Channel within the Susan Street Offramp right-of-way. The easement deed allows the City to then transfer the same to Caltrans with the approved terms at the

completion of project construction. Attachment 2 shows the subject OCFCD easement area and the Susan Street offramp.

**ANALYSIS:**

The Susan Street Offramp project construction is almost completed, with the scheduled opening on November 16, 2007. At this stage, Caltrans requires possession of all rights-of-way within the offramp area. The attached Easement Deed transfers the City's easement as well as all obligations over Gisler Channel as obtained from OCFCD over to Caltrans.

Staff and the City Attorney have reviewed and approved the attached deed as to form. While staff is requesting that the City Council approve the deed in its current form, staff also requests that City Council authorize the City Manager and/or City Attorney to accept minor modifications to the deed that may be requested by Caltrans, so long as they do not substantially deviate from the current main provisions. The Mayor will sign the final deed that is acceptable to all parties.

**ALTERNATIVES CONSIDERED:**

The City Council may elect to not approve the Easement Deed. This alternative will result in the City not being able to transfer the easement to Caltrans. In such a case, Caltrans will not allow the opening of the offramp and thus 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. The deed transfers all obligations of the easement to Caltrans.

**LEGAL REVIEW:**

The City Attorney's office has reviewed and approved the 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 transfer the surface easement over the existing OCFCD channel for the Susan Street Exit Ramp project to Caltrans. Staff also requests that City Council authorize the City Manager and City Attorney to make minor revisions to the document based on discussions with Caltrans so long as they do not substantially deviate from the main provisions.

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**PETER NAGHAVI**

Transportation Services Manager

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**WILLIAM J. MORRIS**

Director of Public Services

DISTRIBUTION: City Manager  
Assistant City Manager  
City Clerk  
Deputy City Manager – Dev. Svcs.  
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File

ATTACHMENTS: 1 [Easement Deed with Caltrans](#)  
2 [OCFCD Easement Area](#)