



CITY COUNCIL AGENDA REPORT

MEETING DATE: FEBRUARY 19, 2008

ITEM NUMBER: VII-2

SUBJECT: PUBLIC HEARING FOR THE VACATION OF CHARLE STREET EXCESS RIGHT-OF-WAY AT 523 HAMILTON STREET

DATE: FEBRUARY 7, 2008

FROM: PUBLIC SERVICES DEPARTMENT/ENGINEERING DIVISION

PRESENTATION BY: PETER NAGHAVI, ACTING DIRECTOR OF PUBLIC SERVICES

FOR FURTHER INFORMATION CONTACT: ERNESTO MUNOZ, CITY ENGINEER, AT 714-754-5343

RECOMMENDATION:

1. Adopt a Resolution ordering the vacation of excess Right-Of-Way (ROW) for a portion of Charle Street at 523 Hamilton Street.
2. Authorize execution of the Quitclaim Deed by the Mayor and City Clerk.

BACKGROUND:

The City surplus property at 523 Hamilton Street, located at the southeast corner of Hamilton Street and Charle Street, is currently being utilized as a community garden and has an area of approximately 19,418 square feet. The Red Mountain Retail Group, property owner of the parcel to the south of the City-owned lot, has expressed interest in purchasing the City surplus lot and combining it with their properties for future development. The proposed future development will encompass an additional six parcels, four of which front on Harbor Boulevard (see Attachment 1).

On July 3 2007, the City Council directed staff to enter into discussions/negotiations for the sale of the Hamilton Street City-owned parcel. The City parcel fronts on Charle Street and Hamilton Street, and there is a five-foot wide strip of excess street Right-Of-Way on the Charle Street side. In anticipation of the property sale, staff is processing the subject vacation of excess street Right-Of-Way to increase the lot area which, in turn, will enhance the value for the sale of the property (see Attachment 2). The proposed street Right-Of-Way area to be vacated to the City-owned lot is approximately 668 square feet which will increase the City-owned lot area to 20,086 square feet, thereby increasing the appraised property value. The property appraisal will also be based on a best and highest use value in combination with Red Mountain's proposed development.

Charle Street is currently 65 feet wide at this location and was created by the following easements:

Instrument No./Book and Page

- 1.) Book 8876, Page 75 OR.
- 2.) Book 12185, Page 1330 OR.

Date Recorded

February 07, 1956
May 09, 1977

The Master Plan of Highways (MPH) indicates Charle Street to be a collector street (60 feet full-width Right-Of-Way, 30 feet half-width Right-Of-Way). The portion of Charle Street adjacent to

the City-owned lot currently has a half width of 35 feet. This condition has created five feet of excess Right-Of-Way.

ANALYSIS:

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 Right-Of-Way were to be vacated to the adjacent City property, it would enhance the sale value of the property and assist the future owner in eliminating a vacation process that would eventually be performed by the future owner. The vacation of the subject area will 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 City (see Attachment 3).

The Notice of Intention to Vacate Right-Of-Way was presented to the City Council at its regular meeting of January 15, 2008. Resolution 08-7 was subsequently adopted setting this public hearing (see Attachment 4). The property has been posted and notices of this public hearing were published as required by the Resolution. Staff has prepared the attached Resolution ordering the vacation of excess Right-Of-Way (see Attachment 5). Staff also recommends that a Quitclaim Deed be executed relinquishing the City of any interest in said excess Right-Of-Way (see Attachment 6).

ALTERNATIVES:

The City could retain the excess Right-Of-Way and continue to be responsible for its maintenance. However, this would not enhance the value of the adjacent City property for future sale.

FISCAL REVIEW:

The proposed right-of-way vacation, if approved, will enhance the sale value of the property. This, in turn, will increase the City's financial gain from the sale.

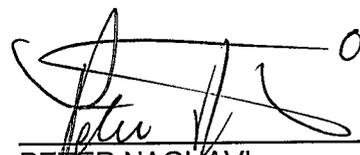
LEGAL REVIEW:

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 portion of Charle Street at 523 Hamilton Street. In addition, staff recommends the City Council authorize execution of the Quitclaim Deed by the Mayor and City Clerk.



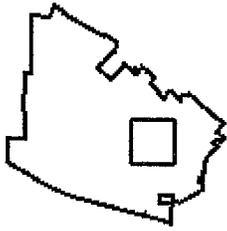
ERNESTO MUNOZ
City Engineer

PETER NAGHAVI
Acting Director of Public Services

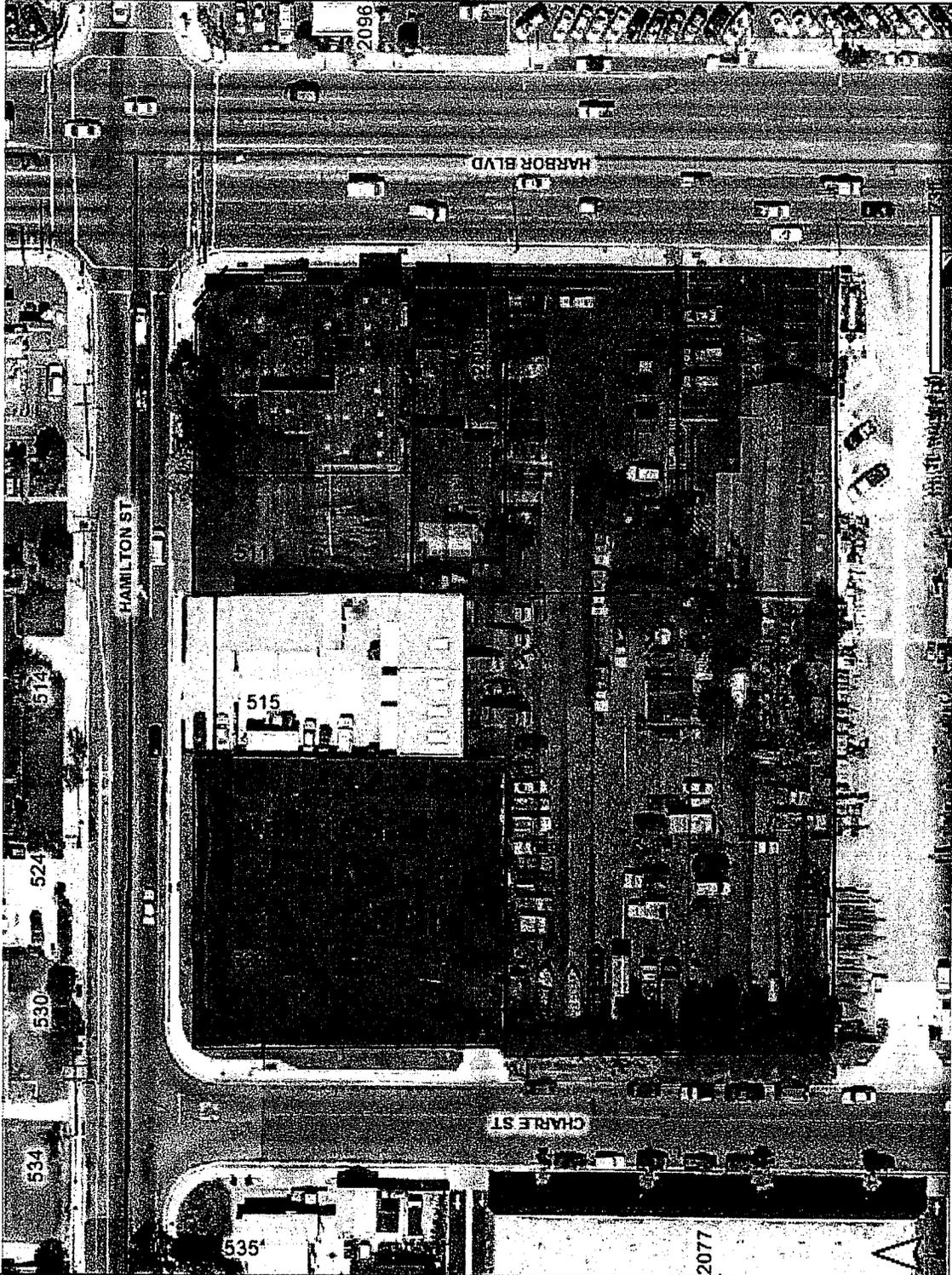
- Attachments: 1 – Red Mountain Development Location Map
2 – R/W Area Vacation Map
3 – Legal Description and Exhibit
4 – Notice of Intent Resolution No. 08-7
5 – Resolution Ordering the Vacation of Excess Right-Of-Way
6 – Quitclaim Deed

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

Overview Map



City property of Red Mountain Retail Group property



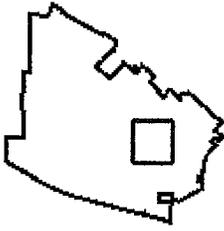
= Red Mountain Retail Group property



= City property



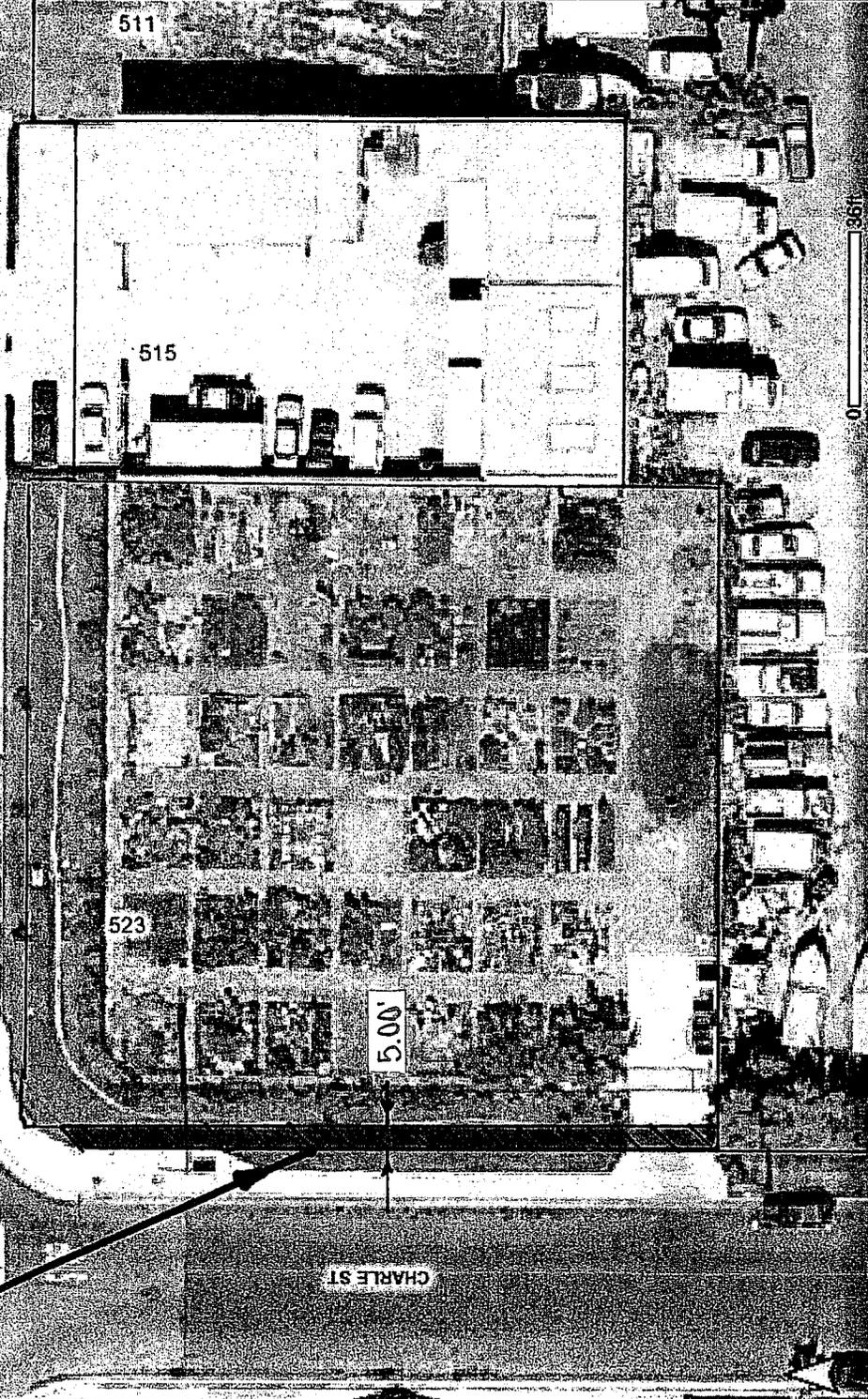
Overview Map



523 Hamilton Street (Charlie Street Access Highway)

PROPOSED AREA TO BE VACATED

HAMILTON ST.

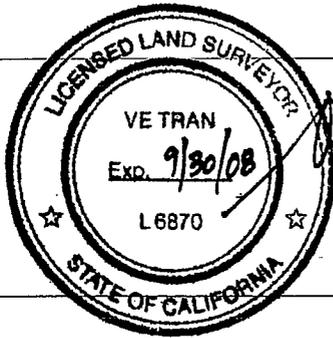


0 36'



= PROPOSED AREA TO BE VACATED

Note: This map was prepared for assessment purpose only and does not represent a survey



CITY OF COSTA MESA
PUBLIC SERVICES DEPARTMENT

EXHIBIT "A"

LEGAL DESCRIPTION

THAT PORTION OF LOT 20 OF FAIRVIEW FARMS, IN THE CITY OF COSTA MESA, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON MAP RECORDED IN BOOK 8, PAGES 71 OF MISCELLANEOUS MAPS ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE CENTERLINE OF HAMILTON STREET, AS SHOWN ON SAID MAP, WEST 408.40 FEET FROM THE CENTERLINE INTERSECTION OF HAMILTON STREET AND HARBOR BOULEVARD (FORMERLY FAIRVIEW AVENUE); THENCE SOUTHERLY, PARALELL WITH THE CENTERLINE OF HARBOR BOULEVARD, A DISTANCE OF 176.00 FEET TO AN ANGLE POINT; THENCE WESTERLY PARALLEL WITH THE CENTERLINE OF HAMILTON STREET, TO THE EAST LINE OF CHARLE STREET, AS SET FORTH IN FINAL ORDER OF CONDEMNATION RECORDED FEBRUARY 7, 1956, IN BOOK 3386, PAGE 75, OFFICIAL RECORDS; THENCE NORTHERLY ALONG SAID LINE TO THE INTERSECTION THEREOF WITH THE CENTERLINE OF HAMILTON STREET TO THE POINT OF BEGINNING,

EXCEPTING THEREFROM THE PORTION OF SAID AREA LYING NORTHERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT IN THE CENTERLINE OF HAMILTON STREET, AS SHOWN ON SAID MAP, WEST 408.40 FEET FROM THE CENTERLINE INTERSECTION OF HAMILTON STREET AND HARBOR BOULEVARD (FORMERLY FAIRVIEW AVENUE); THENCE SOUTHERLY, PARALLEL WITH THE CENTERLINE OF HARBOR BOULEVARD, A DISTANCE OF 40.00 FEET TO AN ANGLE POINT; THENCE **SOUTH 44°28'00" WEST 7.07 FEET** TO A POINT ON THE EAST LINE OF CHARLE STREET, AS SET FORTH IN FINAL ORDER OF CONDEMNATION RECORDED FEBRUARY 7, 1956, IN BOOK 3386, PAGE 75, OFFICIAL RECORDS.

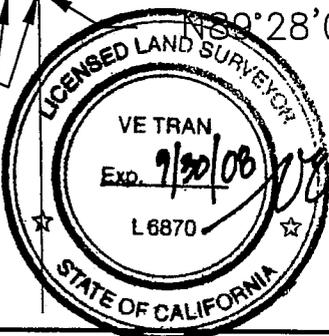
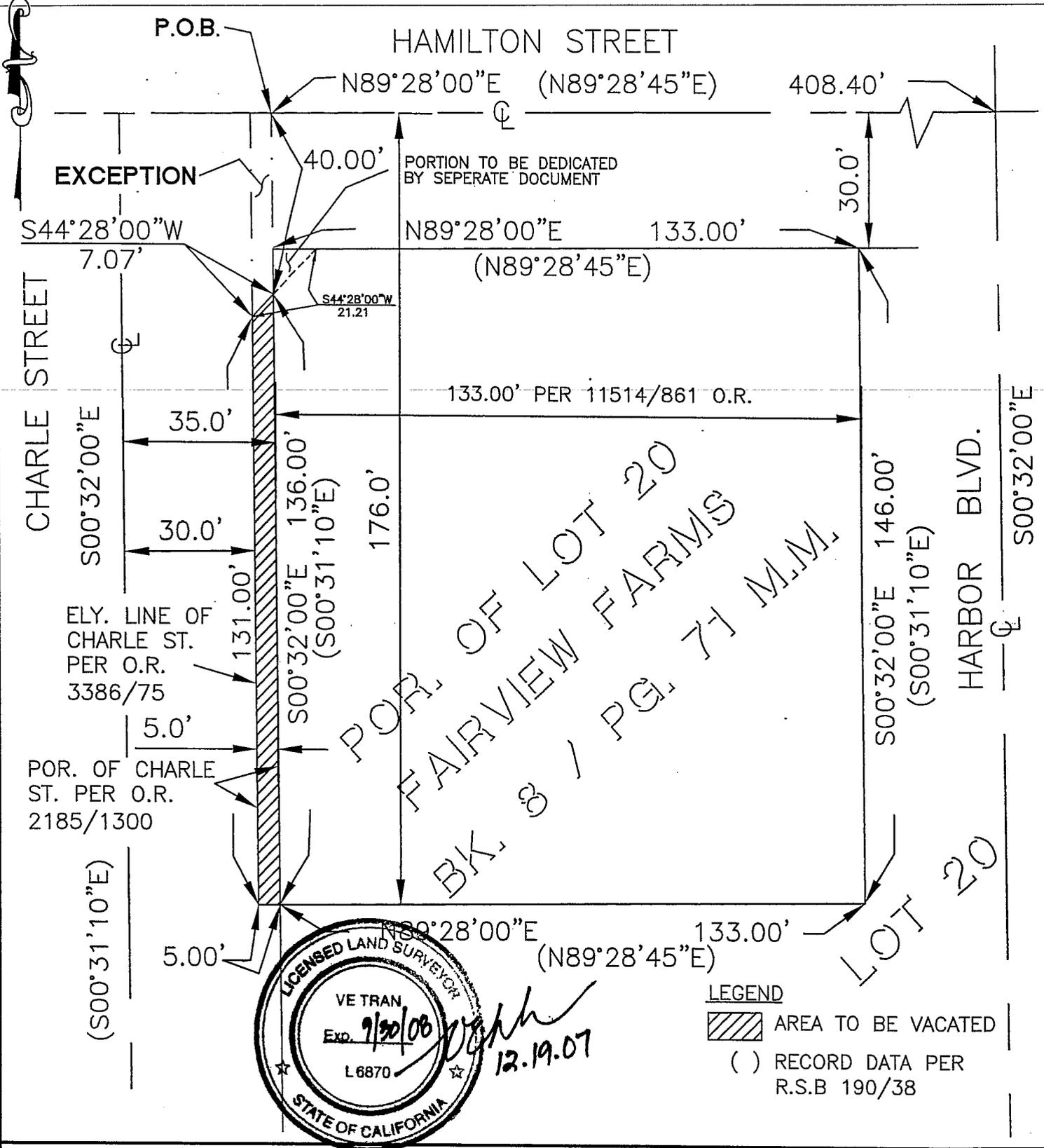
CONTAINING 0.0153 ACRES OR 667.5 SQUARE FEET, MORE OR LESS.

SEE EXHIBIT "B" ATTACHED HERETO AND BY
THIS REFERENCE MADE A PART HEREOF

This document consisting of two sheets, Exhibit "A" (Legal Description: one page) and Exhibit "B" (Plat Map: one page) was prepared by me or under my supervision.

SCALE: 1"=30'

EXHIBIT "B"



LEGEND
 AREA TO BE VACATED
 () RECORD DATA PER R.S.B 190/38

CITY OF COSTA MESA

PORTION OF CHARLE ST. R/W
 VACATION AT 523 HAMILTON STREET

DRAWN BY: BE

DATE: 05-08-07

THIS IS NOT A SURVEY BUT IS COMPILED FROM EXISTING RECORDS **(7)**

RESOLUTION NO. 08-7

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING ITS INTENTION TO ORDER THE VACATION OF A PORTION OF CHARLE STREET AT 523 HAMILTON STREET.

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

SECTION 1. The City Council of the City of Costa Mesa does hereby declare its intention to vacate its interest in Charle Street at 523 Hamilton Street, more particularly described in Exhibit A and B attached hereto.

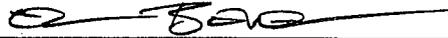
SECTION 2. Tuesday, the 19th day of February, 2008, at 7:00 p.m., in the Council Chambers of City Hall, 77 Fair Drive, Costa Mesa, California, is hereby fixed as the time and place for hearing all persons interested in or objecting to the proposed vacation.

SECTION 3. These proceedings shall be conducted pursuant to the provisions of Section 8300 et seq of the Streets and Highways Code of the State of California.

SECTION 4. The City Manager of the City of Costa Mesa is hereby directed to cause notices of the said proposed vacation to be conspicuously posted along said strip of land for at least two (2) weeks before the date of said hearing. Said notices shall be posted not more than three hundred (300) feet apart, but in no event shall fewer than three (3) notices be posted.

SECTION 5. This Resolution shall be published twice in a newspaper of general circulation, printed and published in the City of Costa Mesa, Orange County, California.

PASSED AND ADOPTED this 15th day of January, 2008.



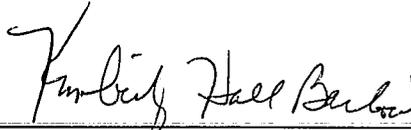
Mayor

ATTEST:

APPROVED AS TO FORM:



Julie Folcik, City Clerk



Kimberly Hall Barlow, City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF COSTA MESA)

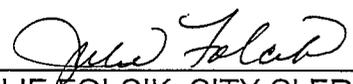
I, JULIE FOLCIK, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing is the original of Resolution No. 08-7 and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 15th day of January, 2008, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS: BEVER, MANSOO, DIXON, FOLEY, LEECE

NOES: COUNCIL MEMBERS: NONE

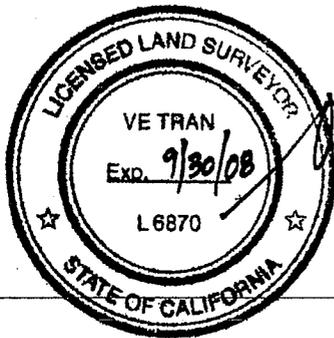
ABSENT: COUNCIL MEMBERS: NONE

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 16th day of January, 2008.



JULIE FOLCIK, CITY CLERK

(SEAL)



DEED NO. 3640

SHEET 1 OF 2

CITY OF COSTA MESA
PUBLIC SERVICES DEPARTMENT

EXHIBIT "A"

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CONTAINING 0.0153 ACRES OR 667.5 SQUARE FEET, MORE OR LESS.

SEE EXHIBIT "B" ATTACHED HERETO AND BY
THIS REFERENCE MADE A PART HEREOF

This document consisting of two sheets, Exhibit "A" (Legal Description: one page) and Exhibit "B" (Plat Map: one page) was prepared by me or under my supervision.

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EXHIBIT "B"

SCALE: 1"=30'

HAMILTON STREET

N89°28'00"E (N89°28'45"E)

408.40'

P.O.B.

EXCEPTION

PORTION TO BE DEDICATED BY SEPERATE DOCUMENT

S44°28'00"W

N89°28'00"E 133.00'
(N89°28'45"E)

30.0'

CHARLE STREET

7.07'

S44°28'00"W
21.21

133.00' PER 11514/861 O.R.

S00°32'00"E

35.0'

30.0'

ELY. LINE OF CHARLE ST. PER O.R. 3386/75

5.0'

POR. OF CHARLE ST. PER O.R. 2185/1300

POR. OF LOT 20
FAIRVIEW FARMS
BK. 3 / PG. 71 M.M.

S00°32'00"E 146.00'
(S00°31'10"E)

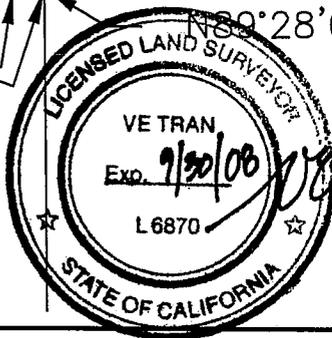
HARBOR BLVD.

S00°32'00"E

(S00°31'10"E)

N89°28'00"E 133.00'
(N89°28'45"E)

LOT 20



LEGEND



AREA TO BE VACATED



RECORD DATA PER R.S.B 190/38

CITY OF COSTA MESA

PORTION OF CHARLE ST. R/W
VACATION AT 523 HAMILTON STREET

DRAWN BY: BE

DATE: 05-08-07

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THIS IS NOT A SURVEY BUT IS COMPILED FROM EXISTING RECORDS

RESOLUTION NO. 08-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ORDERING THE VACATION OF A PORTION OF CHARLE STREET AT 523 HAMILTON STREET

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, the City Council of the City of Costa Mesa did, on the 15th day of January, 2008, adopt Resolution No. 08-7, entitled: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DECLARING ITS INTENTION TO ORDER THE VACATION OF A PORTION OF CHARLE STREET AT 523 HAMILTON STREET, AS MORE PARTICULARLY DESCRIBED IN EXHIBIT "A" AND EXHIBIT "B" ATTACHED HERETO.

WHEREAS, pursuant to said Resolution of Intention, the time and place for hearing all persons interested in or objecting to the proposed vacation was set for Tuesday, the 19th day of February, 2008; at 7:00 p.m., in the Council Chambers of City Hall, 77 Fair Drive, Costa Mesa, California; and

WHEREAS, notices of said proposed vacation were duly and regularly posted as required by law, all pursuant to the provisions of Section 8300 et seq. of the Streets and Highways Code of the State of California; and

WHEREAS, on said date of hearing, the proposed vacation came on regularly to be heard; all persons appearing on the proposed vacation were heard; and said hearing was closed on the 19th day of February, 2008; and

WHEREAS, the Costa Mesa City Council finds and determines from all the evidence submitted that the hereinafter described right-of-way is unnecessary for

present or prospective street purposes so long as the conditions included herein are met;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES ORDER AND RESOLVE AS FOLLOWS;

1. That the hereinafter described right-of-way is unnecessary for present or prospective street purposes.
2. It is hereby ordered that the following described right-of-way be, and the same are hereby vacated:

All as more particularly described in legal description shown in Exhibit "A" and on map shown in Exhibit "B," attached hereto and by this reference made a part hereof.

PASSED AND ADOPTED this 19th day of February, 2008.

Eric Bever, Mayor

ATTEST:

APPROVED AS TO FORM:

Julie Folcik, City Clerk

Kimberly Hall Barlow, City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF COSTA MESA)

I, JULIE FOLCIK, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that the above and foregoing is the original of Resolution No. 08-XX and was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 19th day of February, 2008, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 20th day of February, 2008.

JULIE FOLCIK, CITY CLERK

(SEAL)

Recording Requested by CITY OF COSTA MESA
When Recorded Mail to:
CITY OF COSTA MESA
Attention - City Clerk
P.O. BOX 1200
COSTA MESA, CALIFORNIA 92628-1200

Mail Tax Statements to:
Owner (s) of Record

APN: 422-091-04&05

Deed No. : 3640

TCA: 15006

Location: 523 HAMILTON ST. (CHARLE ST. SIDE)

Exempt Recording Requested per
Government Code 6103

Declaration of Documentary Transfer Tax:

The undersigned Grantor declares that no
documentary transfer tax is due – no consideration.

QUITCLAIM DEED

THE UNDERSIGNED DECLARE(S) DOCUMENTARY TRANSFER TAX IS NONE.
GOVERNMENTAL AGENCY EXEMPT CITY OF COSTA MESA

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

City of Costa Mesa, a Municipal Corporation

do/does hereby remise, release and forever quitclaim to owners, as described on attached Exhibit "A", the following described real property subject to reversion rights as recognized by State and local law, in the City of Costa Mesa, County of Orange, State of California:

SEE RESOLUTION NO. _____, ADOPTED _____
RECORDED BY THE COUNTY RECORDER, OFFICIAL
RECORDS OF ORANGE COUNTY, CALIFORNIA, ATTACHED
HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

THIS DEED IS BEING RECORDED TO PERFECT THE TITLE OF
THE SUBJECT PROPERTIES.

Deputy City Clerk of the
City of Costa Mesa

Mayor of the City of Costa Mesa

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