



CITY COUNCIL AGENDA REPORT

MEETING DATE: APRIL 1, 2008

ITEM NUMBER:

**SUBJECT: VACATION OF A PORTION OF CITY SIDEWALK AND LANDSCAPE EASEMENT
ALONG SAKIOKA DRIVE AT 3400 AVENUE OF THE ARTS**

DATE: MARCH 20, 2008

FROM: PUBLIC SERVICES DEPARTMENT/ENGINEERING DIVISION

PRESENTATION BY: PETER NAGHAVI, DIRECTOR OF PUBLIC SERVICES

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

RECOMMENDATION:

1. Adopt attached Resolution summarily vacating a portion of sidewalk and landscape easement along Sakioka Drive at 3400 Avenue of the Arts.
2. Authorize the Mayor and the City Clerk to execute the Quitclaim Deed.

BACKGROUND:

A request was received from LA Lakes QRS, Inc., property owners of 3400 Avenue of the Arts, (formerly known as "The Lakes at South Coast") to vacate a 5 foot portion of a 25 foot wide City sidewalk and landscape easement along 400 feet of Sakioka Drive at 3400 Avenue of the Arts (see Attachment 1). The previous fee title owner dedicated this easement to the public for sidewalk and landscape purposes per Easement Deed 84-003372 recorded January 4, 1984 in the office of the County Recorder. The easement was recorded in conjunction with the project's original conditions of approval to accommodate a meandering sidewalk buffered from the street by landscaping. The property is located within the North Costa Mesa Specific Plan area; however, there are no policies in the Specific Plan related to the width of the landscape easement. The applicant proposes to reduce the easement to accommodate 14 additional onsite parking spaces. The existing landscaped parkway and sidewalk will be unaffected by this request. Approval of the easement reduction is consistent with the recently approved 890-unit apartment project ("The Enclave") located across Sakioka Drive from this site. Lastly, the mature trees existing onsite will be relocated a few feet to the east to accommodate the new parking spaces; therefore, the streetscape will not substantially change.

Planning application PA -07-41 which consists of a master plan amendment for "3400 Avenue of the Arts" to reduce the sidewalk and landscape easement adjacent to Sakioka Drive was presented to the Planning Commission at their meeting of February 5, 2008. The Planning Commission approved the reduction by adopting Resolution 08-11 (Attachment 2).

ANALYSIS:

The excess portion of the sidewalk and landscape easement has been reviewed by the Engineering and Transportation Services Division. After reviewing the request, pursuant to the

California Streets and Highway Code Section 8333.(a)and(c), staff has determined that the subject portion of sidewalk and landscape easement has not been used for the purpose for which it was dedicated or acquired for five consecutive years immediately preceding the proposed vacation described hereon and that said portion has no other public facilities located within the easement and is not necessary for public purposes. The summary vacation of this portion of sidewalk and landscape easement would eliminate the City's responsibility for its maintenance. Once vacated the land will revert to the underlying fee title owner, LA Lakes QRS, Inc., at 3400 Avenue of the Arts, and become private property (Attachment 3).

ALTERNATIVES:

The City could retain this portion of the sidewalk/landscape easement and continue to be responsible for its maintenance. However, this portion of the easement is currently not being utilized and serves no public purpose at this time. The retention of this easement would also be inconsistent with the concept of "The Enclave" development which was approved by Council.

LEGAL REVIEW:

The City Attorney's Office has approved the attached resolution as to form.

CONCLUSION:

Staff recommends the City Council approve and adopt the attached Resolution to summarily vacate a 5' wide excess sidewalk and landscape easement portion on Sakioka Drive adjacent to 3400 Avenue of The Arts (Attachment 4). In addition, staff recommends the City Council authorize execution of the Quitclaim Deed (Attachment 5) by the Mayor and City Clerk.

ERNESTO MUÑOZ
City Engineer

PETER NAGHAVI
Director of Public Services

- Attachments: 1 – [Location Map](#)
2 – [Planning Commission Resolution PC-08-11](#)
3 – [Legal Description and Exhibit](#)
4 – [Resolution of Summary Vacation of excess sidewalk and landscape easement](#)
5 – [Quitclaim Deed](#)

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