RESOLUTION NO. 08-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, SUMMARILY VACATING A PORTION OF EXCESS LANDSCAPE EASEMENT ADJACENT TO SAKIOKA DRIVE LOCATED AT 3400 AVENUE OF THE ARTS

THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY RESOLVE AS FOLLOWS:

WHEREAS, LA Lakes QRS, Inc., owner of real property located at 3400 Avenue of the Arts, requested approval of a master plan amendment, Planning Application PA-07-41, to reduce a sidewalk and landscape easement along a 400 foot portion of Sakioka Drive from 25 feet in width to 20 feet, which was approved by City Council on February 5, 2008 by adopting Resolution No. 08-11; and

WHEREAS, the hereinafter described Excess 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dedicated or acquired for five consecutive years immediately preceding the proposed vacation described herein; has been superseded by relocation; and there are no other public facilities located within said Excess easement area, within the meaning of California Streets & Highways Code Section 8333(a) and (c.), and the summary vacation of said Excess easement is therefore appropriate; and

WHEREAS, this vacation is being processed in accordance with Chapter 4 (commencing with Section 8330) of Part 3 of Division 9 of the California Streets & Highways Code; and

WHEREAS, on February 5, 2008, the proposed vacation of the Excess easement was referred to the City of Costa Mesa Planning Commission pursuant to Government Code Section 65402(a) and the Planning Commission determined that said vacation would be in conformity with the adopted City General Plan; and

WHEREAS, based on all of the information and evidence submitted the City Council finds that vacation of the Excess sidewalk and landscape easement is consistent with the City's general plan;

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

1. The Excess easement, as set forth in the Original Dedication, is unnecessary for present or prospective use as a public service easement.
2. It is hereby ordered that pursuant to Chapter 4, Secction 8333 of Part 3 of Division 9 of the California Streets & Highways Code, the following described easement be, and the same is hereby, vacated:

   SEE LEGAL DESCRIPTION ATTACHED
   HERETO AS EXHIBITS HEREOF "A" AND "B"

3. The City Clerk shall cause a certified copy of this Resolution, attested by the City Clerk under seal, to be recorded without acknowledgment, certificate of acknowledgment, or further proof in the Office of the County Recorder, Orange County, California.

WHEREAS, on February 5, 2008, the proposed vacation of the Excess easement was referred to the City of Costa Mesa Planning Commission pursuant to Government Code Section 65402(a) and the Planning Commission determined that said vacation would be in conformity with the adopted City General Plan; and

WHEREAS, based on all of the information and evidence submitted the City Council finds that vacation of the Excess sidewalk and landscape easement is consistent with the City's general plan;

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

1. The Excess easement, as set forth in the Original Dedication, is unnecessary for present or prospective use as a public service easement.
2. It is hereby ordered that pursuant to Chapter 4, Secction 8333 of Part 3 of Division 9 of the California Streets & Highways Code, the following described easement be, and the same is hereby, vacated:

   SEE LEGAL DESCRIPTION ATTACHED
   HERETO AS EXHIBITS HEREOF "A" AND "B"

3. The City Clerk shall cause a certified copy of this Resolution, attested by the Deputy City Clerk under seal, to be recorded without acknowledgment, certificate of acknowledgment, or further proof in the Office of the County Recorder, Orange County, California.

PASSED AND ADOPTED THIS 1st day of April, 2008.

_____
Mayor of the City of Costa Mesa

ATTEST

_____
City Clerk of the City of Costa Mesa

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

I, JULIE FOLCIK, City Clerk and ex-officio Clerk of the City Council of the city of Costa Mesa, hereby certify that the above and foregoing Resolution No. 08-____ was duly and regularly passed and adopted by the said City Council at a regular meeting thereof held on the 1st day of April, 2007.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of Costa Mesa this 2nd t day of April, 2007.

_____
City Clerk and ex-officio Clerk of the City Council of the City of Costa Mesa